

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

* * * * *

ARA KIMBROUGH,	*
Plaintiff	* Case No.
vs.	* 2:24-cv-04470-KSM
BUCKS COUNTY,	*
et al.,	*
Defendant	*

* * * * *

DEPOSITION OF
DANIEL GRIESER
April 1, 2025

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DEPOSITION

OF

DANIEL GRIESER, taken on behalf of the
Plaintiff herein, pursuant to the
Rules of Civil Procedure, taken before
me, the undersigned, Ethan Reese, a
Court Reporter and Notary Public in
and for the Commonwealth of
Pennsylvania, at the offices of Bucks
County Human Services Department, 55
East Court Street, Doylestown, PA
18901, on Tuesday, April 1, 2025,
beginning at 10:43 a.m.

A P P E A R A N C E S

WILLIAM MANSOUR, ESQUIRE

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COUNSEL FOR PLAINTIFF

DARA BURNS, ESQUIRE

Bucks County Law Department

55 East Court Street

Doylestown, PA 18901

COUNSEL FOR DEFENDANT

I N D E X

WITNESS: DANIEL GRIESER

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By Attorney Mansour

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S T I P U L A T I O N

(It is hereby stipulated and agreed by
and between counsel for the respective
parties that reading, signing,
sealing, certification and filing are
not waived.)

P R O C E E D I N G S

DANIEL GRIESER,
CALLED AS A WITNESS IN THE FOLLOWING
PROCEEDING, AND HAVING FIRST BEEN DULY
SWORN, TESTIFIED AND SAID AS FOLLOWS:

ATTORNEY MANSOUR:

I'm ready if everyone
else is.

THE COURT REPORTER:

Usual stipulation?

ATTORNEY BURNS:

Usual stipulations, yes.

I do ask that he be
allowed to review the transcript.

THE COURT REPORTER:

1 Yes.

2 Do you want the read and
3 sign sent to your email?

4 ATTORNEY BURNS:

5 Yes, please.

6 THE COURT REPORTER:

7 And Counsel, do you want
8 to copy the transcript from today?

9 ATTORNEY MANSOUR:

10 Yes, please.

11 THE COURT REPORTER:

12 Sure.

13 ATTORNEY MANSOUR:

14 Just --- just an
15 electronic copy.

16 ATTORNEY BURNS:

17 Same for the County.

18 THE COURT REPORTER:

19 Can I get an email
20 that's good for you?

21 ATTORNEY MANSOUR:

22 Sure.

23 wpm@themansourfirm.com,
24 M A N S O U R.

25 THE COURT REPORTER:

1 Thank you.

2 And can you raise your
3 right hand?

4 MR. GRIESER:

5 Yeah.

6 THE COURT REPORTER:

7 Do you swear the
8 testimony you'll give is true and
9 correct to the best of your
10 knowledge and belief?

11 MR. GRIESER:

12 I do.

13 ATTORNEY MANSOUR:

14 Good morning, Mr.
15 Grieser. How are you?

16 THE WITNESS:

17 Hey, good, very good.

18 ATTORNEY MANSOUR:

19 Just before we get
20 started, can you state your full
21 name for the record?

22 THE WITNESS:

23 Sure, Daniel Donovan
24 Grieser.

25 ATTORNEY MANSOUR:

1 Okay. Very good.

2 Thank you for being here
3 this morning. My name is William
4 Mansour. I am the attorney who is
5 representing Ara Kimbrough in the
6 lawsuit that he has filed against
7 Bucks County, plus a number of
8 other individual defendants in the
9 Eastern District of Pennsylvania.
10 We're here this morning to take
11 your deposition in that case. Are
12 you aware if that's the reason for
13 your presence today?

14 THE WITNESS:

15 Yes.

16 ATTORNEY MANSOUR:

17 Okay.

18 Before I get started, I
19 want to go over just a couple
20 ground rules about how the
21 deposition is going to proceed.
22 The first rule I want to emphasize
23 is that, as you can see, we have a
24 court reporter here who is creating
25 a transcript of everything that's

1 said today. And so, for that
2 reason, it's important that all
3 your answers to my questions be
4 verbal. Yes, no, I don't know,
5 things of that nature. I don't
6 want you to shake your head, nod
7 your head, shrug your shoulders,
8 things like, mm-hm, uh-huh, don't
9 come across very well on the
10 record.

11 Do you understand that?

12 THE WITNESS:

13 Yes.

14 ATTORNEY MANSOUR:

15 Okay.

16 For the same reason,
17 just for the clarity of the
18 transcript and for the benefit of
19 the court reporter, if I ask a
20 question, even if you know where
21 it's going or what my question is
22 going to be, I'm just going to ask
23 that you wait for me to complete
24 the question before you give your
25 response and I'll afford the same

12

1 courtesy of waiting for you to
2 complete your response before I ask
3 my next question.

4 Do you understand that?

5 THE WITNESS:

6 Yes.

7 ATTORNEY MANSOUR:

8 Okay. Very good.

9 If I do ask you a
10 question and you don't understand
11 it, feel free to tell me that you
12 don't understand it. I'd be happy
13 to rephrase it for you. If I ask
14 you a question and you do answer
15 it, I'm going to assume both that
16 you heard it and understood it.

17 Do you understand that?

18 THE WITNESS:

19 Yes.

20 ATTORNEY MANSOUR:

21 I don't want you to
22 speculate or guess. Your testimony
23 here today is supposed to be based
24 on personal knowledge. And so, "I
25 don't know," is a perfectly

13

1 acceptable answer if it is, in
2 fact, the truth and you don't know.

3 But if there is a question that I
4 asked that maybe calls for an
5 estimation, just do your best to
6 estimate and just let us know that
7 it's an estimation.

8 Okay?

9 THE WITNESS:

10 Okay.

11 ATTORNEY MANSOUR:

12 Very good.

13 If at any time you need
14 to take a break, just let us know
15 and we'll be happy to do so. The
16 only thing I ask is that if I have
17 a pending question, that you answer
18 it completely before we take a
19 break.

20 THE WITNESS:

21 Okay.

22 ATTORNEY MANSOUR:

23 Very good.

24 You understand you were
25 just placed under oath. That is

14

1 the same oath that you would give
2 if you were testifying at trial in
3 this matter.

4 Do you understand that?

5 THE WITNESS:

6 Yes.

7 ATTORNEY MANSOUR:

8 And you understand that
9 both obligates you to tell the
10 truth?

11 THE WITNESS:

12 Yes.

13 ATTORNEY MANSOUR:

14 And you understand that
15 there are criminal penalties if you
16 knowingly fail to testify
17 truthfully here today?

18 THE WITNESS:

19 Yes.

20

21 ---

22 EXAMINATION

23 ---

24

25 BY ATTORNEY MANSOUR:

1 Q. Are you under the influence of
2 any drugs or alcohol that would impair
3 your ability to testify truthfully
4 here today?

5 A. No.

6 Q. Do you have any medical
7 conditions that would impair your
8 ability to recall any of the events in
9 question?

10 A. No.

11 Q. Do you have any medical
12 conditions that would impair your
13 ability to hear or understand any of
14 the questions that I ask?

15 A. No.

16 Q. Do you have any medical
17 conditions that would impair your
18 ability to read any documents I might
19 show you?

20 A. No.

21 Q. Have you ever been deposed
22 before?

23 A. Yes.

24 Q. Okay.

25 A. I should clarify. I've been a

1 witness before. I don't know if I've
2 been deposed before.

3 Q. Okay.

4 You've been a witness, by that,
5 you mean you've testified at, like, an
6 arbitration or a trial?

7 A. Yes.

8 Q. Okay.

9 Roughly how many times?

10 A. Once, I believe.

11 Q. Did you spend any time
12 preparing for your deposition today?

13 A. Yes.

14 Q. About how much time?

15 A. Maybe a couple hours.

16 Q. Did you review any documents in
17 preparation for your deposition?

18 A. I did.

19 Q. Do you recall what documents
20 you reviewed?

21 A. I reviewed the memo I put
22 together as part of my interview of
23 your client. I reviewed some emails
24 that were sent in regards to that.
25 That's it.

1 Q. Did you discuss ---

2 A. Oh, I'm sorry. I reviewed the
3 policies that I referenced in the mem
4 --- in my memo that I prepared, as
5 well.

6 Q. Okay, very good.

7 Other than the attorneys who
8 are representing the County in this
9 case, did you discuss your deposition
10 here today with anybody else?

11 A. No.

12 Q. Okay.

13 You are currently a deputy
14 solicitor with the County of Bucks.

15 Is that correct?

16 A. Yes.

17 Q. And how long have you been in
18 that position?

19 A. As a deputy? I think two
20 years. I initially started with the
21 County as an Assistant County
22 Solicitor and that was in December of
23 '21.

24 Q. So, in around May, June, July
25 of 2024, the relevant time frame in

1 this case, you were a deputy County
2 solicitor?

3 A. Yes.

4 Q. And you are married to
5 Jacqueline Grieser, who's one of the
6 attorneys in this case?

7 A. Yes, that's my wife.

8 Q. Lieutenant Kimbrough, Ara
9 Kimbrough, he used to be an
10 administrative lieutenant for the
11 County of Bucks.

12 Correct?

13 A. Yes.

14 Q. And he was discharged on or
15 about July 29, 2024.

16 Is that correct?

17 A. I'm not sure when he was
18 discharged.

19 Q. He was discharged though,
20 right?

21 A. Yes, that's --- that's what my
22 understanding is why we're here.

23 Q. Are you aware of the fact that
24 he was also suspended on or about June
25 21, 2024?

1 A. I am not aware of what happened
2 after my interview.

3 Q. And I know you've referenced
4 your interview with him a couple of
5 times here today, and we'll get into
6 that a little bit further. Can you
7 tell me in your own words, in as much
8 detail as you could, what role you
9 played in the County's decision to
10 discharge Ara Kimbrough?

11 A. Sure. I was --- I was assigned
12 the duty of interviewing him. The
13 County had received a report and they
14 wanted me to interview him and come up
15 with a memorandum of that interview
16 with recommendations regarding his
17 employment.

18 Q. You said you were assigned to
19 interview him. Assigned by whom?

20 A. My boss, Amy Fitzpatrick, the
21 County solicitor.

22 Q. According to the records that
23 we've received in this case so far, it
24 appears that you interviewed my
25 client, on or about June 12, 2024. Is

1 that ---

2 A. Yes, that's right.

3 Q. Okay.

4 So, I guess it would be fair to
5 infer that you were assigned the task
6 of interviewing him by Ms. Fitzpatrick
7 before that date?

8 A. Yes, that's right.

9 Q. Do you recall the date?

10 A. June 10th.

11 Q. And when you were given that
12 task, what was your understanding of
13 the reason you were being asked to
14 interview him?

15 A. There was a --- there's an
16 allegation of an unauthorized
17 disclosure of confidential information
18 being released by your client. And --
19 - and they wanted me to look into
20 that.

21 Q. Were you told at that time that
22 the information he released was
23 confidential?

24 A. I don't know. I don't remember
25 if it was phrased that it was

1 confidential. I'm trying to remember.

2 Yeah, I think they --- I think they

3 referenced it as confidential

4 information. It had to do with

5 correction tactics and procedures.

6 So, if they didn't --- if they didn't

7 identify it, if they didn't label it

8 as confidential, when I saw that, I

9 would have --- my own estimation would

10 have been, that's confidential

11 information.

12 Q. Were you aware prior to

13 interviewing my client, to whom or

14 with whom he shared that confidential

15 information?

16 A. Yes.

17 Q. And who, what was your

18 understanding at the time who it was

19 that he shared that information?

20 A. It was a plaintiff's attorney

21 in another case. And when you asked

22 me earlier, no, I didn't. Never mind.

23 I was going to say I was going to

24 reference the complaint or the motion,

25 whatever the pleading was, that the

1 County became aware of. I did review
2 that as part of my interview back
3 then. I didn't review it as part of
4 this deposition. But, yes, I was
5 given a copy of the motion, I think it
6 was, that had a factual basis that
7 indicated that your client had
8 contacted this, plaintiff's attorney
9 and explained some things. That ---
10 that was the basis for the interview,
11 basically.

12 Q. So, I just want to get some
13 facts clarified for the record.

14 So, the attorney that you're
15 referring to would be attorney Brian
16 Zeiger.

17 Is that correct?

18 A. Yeah, that's right. Yeah.

19 Q. And the lawsuit that you were
20 referring to would be the Corbin/
21 Patterson versus Bucks County matter?

22 A. That sounds right, yeah.

23 Q. And you said you reviewed the
24 motion that Attorney Zeiger filed
25 prior to interviewing my client?

1 A. I did.

2 Q. Do you remember when you first
3 reviewed it?

4 A. It would have been when I was
5 assigned the task, so it would have
6 been on June 10th when my boss gave me
7 the duty to do the interview.

8 Q. And when Ms. Fitzpatrick gave
9 you the duty to interview my client,
10 did she simultaneously give you a copy
11 of the motion to review?

12 A. Either she did, or someone, the
13 litigation paralegal in our office,
14 someone gave it to me to review.

15 Q. Were you involved at all in any
16 capacity in the Patterson case?

17 A. No.

18 Q. You were not an attorney of
19 record in that case?

20 A. No. No.

21 Q. Based on your recollection, do
22 you recall what the motion that
23 Attorney Zeiger filed, what
24 information was in there that prompted
25 your interview with my client?

1 A. I do. I mean, it was, there
2 was a death at the jail two years
3 prior, I think, in '22. I think that
4 was the basis of that lawsuit. And
5 your client had disclosed what had
6 happened during, that he believed led
7 to that death, different procedures,
8 tactics that the guards, the people,
9 the County employees that were there
10 had used at the time, that was the
11 basis.

12 Q. Do you recall, in terms, you
13 used the word tactics. Can you recall
14 specifically what tactics my client
15 disclosed to Attorney Zeiger? At
16 least that's alleged in this motion.

17 A. I remember the word dirty cell.
18 Right?

19 So, there was a dirty cell.
20 There was --- there was something
21 about how many guards were supposed to
22 be on shift at the time and how many
23 were actually there. There were
24 descriptions of how the prisoner was
25 moved around or supervised in the

1 cell, if I remember right. It's in
2 the, I know it's in the motion and ---
3 that was filed.

4 Q. The interview that you're
5 referring to that occurred on June
6 12th, Lauren Smith was also present
7 for that?

8 A. She was, yes.

9 Q. And nobody else was, just you
10 and Ms. Smith on behalf of the County?

11 A. Yes, and your client.

12 Q. And my understanding is there
13 were some notes taken by Ms. Smith
14 during that interview.

15 Is that correct?

16 A. Yeah, that's my understanding.

17 Q. Okay.

18 And those notes I'll represent
19 to you were produced to us as part of
20 discovery in this case. I actually
21 want to --- did we mark these as an
22 exhibit?

23 ATTORNEY BURNS:

24 I was trying to remember
25 that, and ---

1 ATTORNEY MANSOUR:

2 I went through all of
3 them. I don't think we did either.

4 ATTORNEY BURNS:

5 I don't think we did.

6 ATTORNEY MANSOUR:

7 Okay. All right. So,
8 then, I figured we're up to 15, I
9 think, P-15. I think it's P-15,
10 yeah.

11 ATTORNEY BURNS:

12 You don't even know.

13 ATTORNEY MANSOUR:

14 Yeah, we are.

15 BY ATTORNEY MANSOUR:

16 Q. Okay, Mr. Grieser. So, I've
17 just handed you a document that's been
18 pre-marked as Plaintiff's Exhibit-15.

19 Just take a quick look through that
20 and just let me know when you're done
21 looking at it.

22 ---

23 (Whereupon, Deposition Exhibit, P-15,
24 Interview Notes, was marked for
25 identification.)

27

1		---
---	--	-----

2	A .	O k a y .
---	-----	-----------

3 Q. Have you seen this document
4 before today?

5 A. You know, I --- I may have. I,
6 if I did, I saw it back in June. I
7 haven't looked at it since then. I
8 checked, yeah, I'm not certain
9 actually if I received it when I wrote
10 my report or not, but I probably did.
11 I just don't remember.

12 Q. These notes read a little bit
13 like a transcript.

14 | A . Y e a h .

15	Q .	O k a y .
----	-----	-----------

16 Was your interview of my client
17 recorded by any means?

18 A. I didn't record it. I'm not
19 sure if --- if Lauren recorded it or
20 not. I don't remember her saying
21 that, so. I think she just takes
22 notes. I don't know if your client
23 recorded it, but.

24 Q. So, I do want to ask you just a
25 few questions about some of the things

1 in here.

2 A. Yeah.

3 Q. So, during this interview, my
4 client was asked whether or not he had
5 a conversation with Attorney Zeiger.

6 Correct?

7 A. Yeah, I asked him that. I know
8 I asked him that. I don't know what
9 this reflects, but I know, yeah, I
10 talked to him about that.

11 Q. Do you recall what his response
12 was?

13 A. Yes, he admitted he had a
14 conversation with him.

15 Q. And did you ask him what he
16 told Attorney Zeiger during his
17 conversation?

18 A. I showed him the motion, and I
19 believe what --- I had him confirm
20 that that is what he had told to
21 Attorney Zeiger.

22 Q. You physically showed him a
23 copy of the motion?

24 A. Yeah, I think I did. That's
25 what my --- that's what I recall. And

1 I had him confirm that's what he,
2 yeah, that's what --- that's what he
3 had said to him.

4 Q. Was it a redacted or unredacted
5 copy, do you recall?

6 A. It wasn't redacted.

7 Q. So, I want to just point your
8 attention to the last line of the
9 transcript there.

10 A. On the first page?

11 Q. Yep, on the first page, which
12 is AK, AK being my client, Lieutenant
13 Kimbrough.

14 A. Yep.

15 Q. And he says there, well, you
16 asked just before that, "Why do you
17 feel it was 100 percent preventable?"
18 That is, being Mr. Patterson's death.
19 And his response was, "Staff were
20 pulled from my unit without my
21 knowledge. Essentially what had
22 happened is a male officer was doing
23 an unclothed body search. His partner
24 was up front. He told him to go up
25 front and see his partner, but his

1 partner was called elsewhere. So, the
2 inmate was able to go back into the
3 dirty cell and retrieve the contraband
4 drugs he had on his person and put it
5 back into his County." And then the
6 next sentence appears to be redacted
7 on his copies.

8 Is that, do you recall that
9 being what my client told you during
10 that interview?

11 A. Yeah, I think that's accurate.

12 He confirmed what was listed in the
13 motion. Yeah, I think that's what he
14 said. I don't know what's in the
15 redacted portion either, but, yeah,
16 that's. I remember him --- yeah, I
17 think that's fairly accurate.

18 Q. Okay.

19 So, then it would be fair to
20 say between what Mr. Zeiger alleged in
21 his motion and what my client told you
22 here in this interview, that formed
23 the basis of your knowledge of what my
24 client told Attorney Zeiger. That is
25 to say, besides Attorney Zeiger's

1 motion and his response in this
2 interview, you had no other knowledge
3 of the substance of my client's
4 conversation with Attorney Zeiger?

5 A. That's --- that's correct.
6 Only what he told me during this
7 interview. There may have been more
8 that came after this, I don't
9 remember. My, yeah and the motion.
10 That's the only two sources of
11 information I had, yep.

12 Q. Turn to the second page of this
13 document, maybe a little bit more than
14 halfway down. Where you asked, it
15 says "DG" there, "Have you taken any
16 other internal measures to address
17 this?"

18 Do you see that?

19 A. Yep.

20 Q. Okay.

21 And then his response was, "I
22 have told everyone in my chain of
23 command and reported it to human
24 resources. I have brought it up
25 several times. I have made it a point

1 to be hypervigilant about staffing, to
2 be transparent. I just received a
3 step one discipline. Are you aware?"

4 Do you recall him telling you
5 that in the interview?

6 A. Yeah, I remember talking to him
7 about why, you know, like, what
8 message you had taken or why did you
9 make this --- why did you make this
10 phone call, that sort of thing. And I
11 remember him talking about staffing
12 issues, that was a big concern of his.

13 I don't remember him using these
14 exact words, but it sounds, the ---
15 what's written here sounds like what I
16 determined, right. So ---

17 Q. When you say it was a big
18 concern of his, is that the impression
19 you got from your interview with him,
20 that he was very concerned about
21 staffing in the intake unit of the
22 jail?

23 A. Yeah, I got the sense that he
24 wasn't happy the way that staff was
25 utilized and he had made requests that

1 weren't granted at times. Yeah, he
2 wasn't, yeah, I would say he wasn't
3 happy with staffing decisions that
4 were made.

5 Q. And he did tell you during that
6 interview that he had reported his
7 staffing concerns up his chain of
8 command on numerous occasions?

9 A. Yeah, his --- his concern about
10 staffing, I mean, you know, like,
11 yeah, he did mention that he was
12 concerned about it, right.

13 Q. If you could turn to the next
14 page, please.

15 A. Yeah.

16 Q. So, at the very top, I guess
17 when we go back to the previous page,
18 real quick, so, you asked him, "Since
19 then, is it fair to say that you have
20 made folks aware of your concerns?"

21 And then his response was,
22 "Every time it happens, yes."

23 And then you asked him, "What
24 do you mean?"

25 And he responded, "When they

1 pull someone without letting me know
2 or they don't staff it properly, I
3 report it."

4 So, he had told you during that
5 interview that he had previously
6 reported every time somebody pulls
7 staff from his unit without letting
8 him know?

9 A. That's what he said during the
10 interview, right. That he, I mean,
11 what I took from the interview, I
12 don't remember this exact statement
13 being made, but what I took from the
14 interview is, yes, he --- he voices
15 concerns about staffing and has for
16 some time.

17 Q. Okay.

18 Just a couple lines after that,
19 you ask him. "You mentioned you
20 shared this with the attorney. Have
21 you shared it with anyone else outside
22 the County?"

23 This response was, "My
24 therapist, who I see for PTSD and
25 depression. I was managing before,

1 but after this incident, I had to seek
2 counseling. I have been on medication
3 because I have had a tough time
4 functioning."

5 And you asked him, "Since the
6 Patterson incident?"

7 He said, "Correct."

8 You asked him. "Any other
9 organizations or family?"

10 He responded, "Yes, family and
11 friends."

12 You then asked him, "Online
13 media?"

14 He responded, "No."

15 So, he had told you during that
16 interview that he had shared details
17 of the Patterson matter and his
18 concerns with people outside of the
19 County, including his therapist,
20 family, and friends?

21 A. Well, I ---

22 ATTORNEY BURNS:

23 Objection to form. You
24 can answer.

25 THE WITNESS:

1 Yeah, can you say it
2 again?

3 ATTORNEY MANSOUR:

4 Sure.

5 So, according to this,
6 he told you during that interview.

7 THE WITNESS:

8 Yes.

9 ATTORNEY MANSOUR:

10 You asked him if he
11 shared any of this information with
12 anybody outside the County, and he
13 told you he did. He shared it with
14 his therapist, and he shared it
15 with family and friends.

16 Is that accurate?

17 THE WITNESS:

18 What I took from the
19 interview is that he shared the
20 staffing concerns, not the specific
21 tactic, procedural failures as he
22 saw them, of the County. What I
23 understood was, because I clarified
24 that, I think, later, where, you
25 know, are you talking about general

1 staffing that you've shared with
2 these folks, or are you talking
3 about specifics related to this
4 incident? And my --- my recall is
5 that he said, no staffing issues is
6 --- is what I've shared with
7 people.

8 BY ATTORNEY MANSOUR:

9 Q. Okay.

10 And yes, going --- going down
11 to the next lines, you said, you asked
12 him, "When you share this with family
13 members, is it the same level of
14 detail as you share with your
15 therapist?"

16 And he said just the same
17 general concern that I'm concerned
18 something will happen due to not being
19 properly staffed in such an important
20 part of the building.

21 Is that inaccurate?

22 A. Yeah, that's my recall. It
23 was, you know, it was a general
24 staffing kind of --- it's, what I took
25 from it, he tells a lot of people

1 about his concerns regarding staffing
2 --- staffing of the corrections
3 facility.

4 Q. And it appears here, that at
5 least what he told you during that
6 interview, was that the crux of his
7 concern about understaffing is that,
8 as he said here, you know, something
9 will happen due to not being properly
10 staffed in such an important part of
11 the building.

12 So, what did you understand
13 that to mean?

14 ATTORNEY BURNS:

15 Objection to form.

16 ATTORNEY MANSOUR:

17 Where it says there, AK,
18 just the same, general concerned --
19 - concerns.

20 THE WITNESS:

21 Okay, let me --- I'll
22 just read it.

23 ATTORNEY MANSOUR:

24 Yeah, go ahead.

25 THE WITNESS:

1 Okay.

2 And what's the question?

3 ATTORNEY MANSOUR:

4 So, the question was
5 where the portion of that response
6 where he says, "I'm concerned
7 something will happen due to not being
8 properly staffed in such an important
9 part of the building."

10 What did you understand that to
11 mean?

12 THE WITNESS:

13 I understood that he
14 wasn't happy with the staffing
15 decisions that his supervisors were
16 making.

17 BY ATTORNEY MANSOUR:

18 Q. Now, he did say here that he
19 was concerned something will happen.

20 Did you understand that to mean
21 something similar to what happened in
22 the Patterson matter?

23 ATTORNEY BURNS:

24 Objection to form.

25 THE WITNESS:

1 Yeah, I just understood
2 it as something would happen, a
3 failure would happen. I wouldn't -
4 -- I wouldn't say that --- no, I
5 wouldn't categorize this as the
6 same level as Patterson, right?
7 That was tragic. That was a death.
8 But yes, something would happen.

9 BY ATTORNEY MANSOUR:

10 Q. Okay.

11 And that--- and that's
12 something being --- well, strike that.

13 Let me ask this question. So,
14 you would agree that Mr. Kimbrough saw
15 what he viewed as understaffing in the
16 intake unit as a problem?

17 A. Yes, he was concerned about
18 staffing, yep, and understaffing,
19 yeah. Yeah, I would agree with that.

20 Q. And did you gather from your
21 interview with him that the concern
22 that he had or the problem that he
23 thought would result from
24 understaffing were lapses in security?

25 A. I don't know, lapses of

1 security, I don't know what that ---
2 what you mean by that. I think a non-
3 positive event would happen if that's
4 what you were, you know, like ---

5 Q. So, if that, if the intake unit
6 is understaffed, at least according to
7 his view.

8 A. Yeah.

9 Q. Something negative or bad might
10 happen?

11 A. Yeah, that's the way I
12 understood his, you know, if there was
13 more staff, the chances of something
14 negative happening would be less,
15 yeah.

16 Q. If you can go down to the third
17 to last line, to "DG." I want to talk
18 about a few policies. And you handed
19 the policy to him, just take a look at
20 that. Do you see that line that I'm
21 referring to?

22 A. Yep.

23 Q. Okay, yeah, if you just read
24 that to yourself.

25 A. Yes.

1 Q. Okay.

2 So, you stated there, at least
3 according to these notes, that you ---
4 you handed him a copy of the code of
5 conduct for confidentiality.

6 A. Mm-hm.

7 Q. And then you said, "Staffing
8 info could be used against the County
9 and for a lot of different things."

10 What did you mean by that?
11 What did you mean by "Staffing info
12 could be used against the County?"

13 A. I don't know if I meant --- I
14 don't know if I used those words. I
15 may have. But what I meant is the
16 information regarding what happened,
17 right. So, I may have used the word
18 staffing. I meant the tactics, the
19 procedures, the policies the jail has
20 in conducting, you know, corrections
21 business.

22 Q. Okay.

23 Used against the County by
24 whom?

25 A. If --- if confidential

1 information is let out, right. Their
2 employees at the corrections facility
3 could be in harm's way, right? The
4 folks that visit there, the inmates
5 that are there, could learn
6 techniques, could learn about
7 potential weaknesses that the County
8 may have, and they may utilize that
9 and harm people, harm employees.

10 Q. Could you be a little more
11 specific in how staffing info, as you
12 say here, could harm employees or
13 inmates or other people in the
14 facility?

15 A. Well, I guess my reference is
16 to all of the procedures and things
17 that happened that he relayed to
18 Plaintiff's Counsel, Brian Zeiger ---
19 Zeigler?

20 Q. Zeiger.

21 A. That's --- that's what I'm
22 speaking about here. And about how
23 that could be used to the detriment of
24 the County, not just the fact that the
25 County is --- the jail has less staff

1 than we'd like it to have. That's
2 public knowledge. There's been lots
3 of articles, the commissioners talk
4 about that, about how we need more
5 corrections officers. But this is
6 more of a broader sense of what
7 actually happened in that case. That
8 was my concern.

9 Q. Okay.

10 So, if you wouldn't mind
11 turning back to the first page.

12 A. Yeah.

13 Q. The very bottom that went over
14 earlier, where he basically recounts
15 to you what he told Attorney Zeiger.
16 Where my client said staff were pulled
17 from my unit without my knowledge,
18 etc.

19 What information in that
20 response do you believe could have
21 been used against the County?

22 A. What information? So the ---
23 the nature, the procedures that are
24 occurring here, the --- the fact that
25 you have the --- you know, it

1 describes what one officer was doing,
2 what the other, where the other
3 officer or the corrections officer is
4 located, how they --- how they were
5 allowed to move into the dirty cell.
6 And I don't --- I don't know what's on
7 there. So, I mean, that --- that
8 might have been an important part of
9 it. I don't remember what was in
10 there.

11 Q. Okay.

12 So, just going with the
13 information that we have here that's
14 unredacted, can you tell me, you know,
15 what you spoke more generally about,
16 you know, where people were and what
17 they were doing and the dirty cell.
18 Can you tell me how this information
19 could have harmed the County?

20 ATTORNEY BURNS:

21 Objection to form.

22 ATTORNEY MANSOUR:

23 So, let's --- let's
24 break it down, line by line. So,
25 "Staff were pulled from my unit

1 without my knowledge."

2 Pretty general
3 statement, would you agree?

4 THE WITNESS:

5 "Staff were pulled from
6 my unit without my knowledge," yes.

7 BY ATTORNEY MANSOUR:

8 Q. Okay.

9 So, he doesn't say here which
10 staff were pulled.

11 Right?

12 A. Doesn't say which staff.

13 Q. Doesn't say who pulled the
14 staff.

15 Right?

16 A. No, it doesn't.

17 Q. It doesn't say where they were
18 pulled to.

19 Right?

20 A. No.

21 Q. Okay.

22 The next sentence he says is
23 essentially what had happened is a
24 male officer was doing an unclothed
25 body search. Those type of searches

1 are generally routine.

2 Right?

3 A. Yes, yeah.

4 Q. And of course, anybody who's
5 being searched would know that they're
6 being searched.

7 Right?

8 A. I would hope so, yeah.

9 Q. So, that's, you know, that's
10 not like --- he's not disclosing under
11 what circumstances a person would be
12 searched.

13 Right?

14 A. He doesn't no, not here, no.

15 Q. And you recall him, during that
16 interview, disclosing, telling you
17 that he told Attorney Zeiger
18 particulars about the circumstances
19 under which a person would be strip
20 searched?

21 A. No.

22 Q. Then he mentioned that he, and
23 of course, he doesn't mention here, at
24 least according to these notes, that
25 who this male officer was.

1 Right?

2 A. No.

3 Q. And then he says here, "His
4 partner was up front." So, he doesn't
5 mention the name of the partner.

6 Right?

7 A. No.

8 Q. And, "up front," he didn't give
9 specific locations. He just says "up
10 front," which is kind of general
11 statement, you'd agree?

12 A. Yeah.

13 Q. "He told him to go up front and
14 see his partner, but his partner was
15 called elsewhere." Again, doesn't
16 mention here who called the partner
17 elsewhere.

18 Right?

19 A. No, it doesn't say who called.

20 Q. And doesn't say where the
21 partner was called.

22 Right?

23 A. "Elsewhere," it says, yeah.

24 Q. Yeah, but not specifically
25 where else?

1 A. No.

2 Q. And you believe the fact that
3 he --- he had shared this information
4 with Attorney Zeiger, that a male
5 officer was doing an unclothed body
6 search. Do you believe that could
7 have harmed either employees or
8 inmates in the jail?

9 A. Well, I --- I guess the
10 question, right. So, the question
11 before that I asked him was what, if
12 this is what I asked him, why do you
13 feel it was 100 percent preventable?
14 I didn't ask him what he disclosed to
15 Mr. Zeiger, right? I asked him, why
16 do you think this is preventable? And
17 he explained why he thought it was
18 preventable.

19 Q. Okay, so on that point, that's
20 a good point. Could you take a look
21 through this document? Take as much
22 time as you need. Can you tell me
23 where in these notes you specifically
24 asked him and he specifically told you
25 what he told Attorney Zeiger?

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ATTORNEY BURNS:

Objection, form.

THE WITNESS:

I, right before that,
there's some information where I
asked him what he did tell him, and
I believe I did show him the motion
and the language in the motion.
That's not reflected in this
document, but that --- that's what
my memory is. I believe I showed
it to him to have him confirm that
was what was reported.

BY ATTORNEY MANSOUR:

Q. Okay.

So, now at least you would
agree with me according to these notes
here, and you can feel free to take a
look at all of them. I don't see any
particular question from you asking
him to confirm that the information,
Attorney Zeiger's motion, was accurate
or correct.

Is that true?

A. Let me, I'll look through it

1 again here.

2 Q. Sure.

3 A. Okay, I'm --- so your question
4 was?

5 Q. So, is there anything in these
6 notes that reflect the fact that you
7 showed him a copy of Zeiger's motion
8 and asked him to confirm the contents
9 of his conversation with Attorney
10 Zeiger?

11 A. I don't see that in these
12 notes.

13 Q. Have you done similar
14 interviews like this one before with
15 other employees of the County?

16 A. Not, no, not with the County,
17 no.

18 Q. So, this was your first
19 investigatory interview of an employee
20 of the County. Would that be fair to
21 say, in your capacity as deputy
22 County solicitor?

23 A. Yeah, for the County. In my
24 past experience, I did many
25 interviews, investigations related to

1 my service in the military. Similar -
2 -- similar issues.

3 Q. Turning to the third page,
4 third line from the bottom.

5 A. Third page.

6 Q. We would have gone over this
7 earlier.

8 A. Is this 1108 at the top?

9 Q. Yes.

10 A. Okay.

11 Q. The third line from the bottom,
12 where you say, "I want to talk about a
13 few policies."

14 A. Yeah.

15 Q. In the parentheses, it says,
16 "Hands policy to Ara." Again, These
17 are notes that were taken by Lauren
18 Smith. So, at least in that part of
19 the interview, Ms. Smith's notes
20 reflect the fact that you handed a
21 copy of the relevant policy to Ara
22 Kimbrough.

23 A. That's what her notes, if
24 that's what you asked me, yes, that's
25 what the notes indicate.

1 Q. But she doesn't indicate
2 something similar when you were
3 referencing the motion filed by
4 Attorney Zeiger. So, for example, it
5 doesn't say, on the first page, or
6 really anywhere else in these notes
7 that you handed a copy of the motion
8 to Ara for his review.

9 Do you agree with that?

10 A. It doesn't make the same
11 reference.

12 Q. Can you say with 100 percent
13 certainty that you showed him a copy
14 of the motion?

15 A. I cannot say with 100 percent
16 certainty. I have that memory of him
17 confirming the details in the motion,
18 but I can't say that with 100 percent
19 certainty. And, you know, it not
20 being referenced here, when other
21 things are referenced, certainly
22 causes me to question my own memory a
23 little bit. But --- but that's what I
24 recall. I recall showing it to him
25 and him confirming, or at least him

1 admit --- agreeing that's what he had
2 told Mr. Zeiger.

3 Q. Okay.

4 We don't see any of those
5 questions here. So, I don't see any
6 question here from you asking him to
7 confirm what Zeiger said in his
8 motion.

9 Right?

10 ATTORNEY BURNS:

11 Objection, form.

12 THE WITNESS:

13 No, I don't see any
14 questions.

15 BY ATTORNEY MANSOUR:

16 Q. Okay.

17 So, if you did ask it, Lauren
18 Smith must have left it out of these
19 notes.

20 ATTORNEY BURNS:

21 Objection, form.

22 THE WITNESS:

23 Yes, yeah, again, I
24 don't --- I --- yeah, I don't know
25 what Lauren --- what she was

1 writing at the time.

2 BY ATTORNEY MANSOUR:

3 Q. Because she took pretty
4 detailed notes. You would agree with
5 me.

6 Right?

7 This almost reads, like I said,
8 like a transcript, almost.

9 A. Yeah, yeah, I'd say these are
10 detailed notes.

11 Q. Okay.

12 So, if you --- okay, so you did
13 ask him here, he said he made a motion
14 and referred to you, I'm on the first
15 page now, he made a motion and
16 referred to you. Ara Kimbrough says,
17 "Yeah, I talked to him about the
18 Patterson case."

19 Then you ask him, "What did you
20 tell him?"

21 And Ara said, "Essentially,
22 that I felt some responsibility
23 because drugs were able to get through
24 my unit and Patterson died. I feel
25 bad about that. It was 100

1 preventable --- preventable, and we
2 failed on that."

3 You just spent some time
4 reviewing this document line by line
5 and you would agree with me, that's
6 the only time during this interview
7 that you asked him specifically, what
8 did he tell Attorney Zeiger.

9 Correct?

10 ATTORNEY BURNS:

11 Objection, form.

12 THE WITNESS:

13 In these notes, yes,
14 that's the only time I asked him,
15 "What did you tell him," those
16 words.

17 BY ATTORNEY MANSOUR:

18 Q. And his answer was pretty
19 general.

20 Wasn't it?

21 And his answer was that he felt
22 some response --- what he told him was
23 that he, "felt some responsibility
24 because drugs were able to get through
25 my unit, Patterson died. I feel bad

1 about that. It was 100 percent
2 preventable and we failed on that."
3 That's what he told you, he told
4 Attorney Zeiger.

5 Right?

6 A. Well, that's what these notes
7 reflect, that, how he answered the
8 question.

9 Q. And the follow up question you
10 asked him was, "Why do you feel it was
11 100 percent preventable?" And that's
12 where he went into detail about staff
13 were pulled from my unit without my
14 knowledge, et cetera.

15 A. Yeah.

16 Q. Correct?

17 A. Yeah, I remember having --- my
18 impression after I interviewed him is
19 he confirmed, and it could be this
20 redacted portion here, that he
21 confirmed what --- he never denied, he
22 never indicated otherwise, that the
23 verbiage that was in the motion filed
24 by Zeiger was not accurate.

25 Q. So, going back to my earlier

1 question, a few minutes ago, you had
2 mentioned that you felt the
3 information that he shared with
4 Attorney Zeier could cause harm to the
5 jail, inmates in the jail, or
6 employees of the jail.

7 Is that correct?

8 A. Yeah, I think so.

9 Q. Okay.

10 Are you aware of the fact that
11 or didn't you --- well, at the time
12 that you interviewed my client on June
13 12, 2024, were you aware of the fact
14 that there was a protective order
15 entered in the Patterson matter?

16 A. I know there was a protective
17 order. I don't know if I was aware at
18 that time or not. I remember hearing
19 about a protective order. I'm not
20 sure if that was before or after my
21 interview.

22 Q. And what was your
23 understanding, if any, about what the
24 protective order in that case was for?

25 A. Well, I can generally speak to

1 the corrections operations, right. I
2 do a lot of "right to know" work here
3 for the County and have done it before
4 in other positions as well. And we
5 try to keep, you know, corrections
6 policy, procedures, especially related
7 to use of force and techniques, we try
8 to keep that information in-house to
9 protect, you know, to protect our
10 employees. And so, generally
11 speaking, right, information like this
12 would be protected, would be
13 confidential, would be non-public
14 information, right. It's information
15 that you don't disclose to the outside
16 to protect employees and protect the
17 correction system.

18 Q. Okay.

19 Based on your understanding of
20 what my client shared with Attorney
21 Zeiger, whether it's from what
22 Attorney Zeiger said in his motion or
23 what my client said to you in the
24 interview, what policies did my client
25 disclose to Attorney Zeiger?

1 A. What policies did he disclose?

2 I think he disclosed
3 procedures, I think he disclosed
4 tactics related, and yeah, as far as
5 policies, I don't have the reference
6 of every, I don't have the --- the
7 correction policies in front of me,
8 and I didn't, yeah, I didn't consider
9 that question, I guess ---

10 Q. Okay.

11 A. When I interviewed him.

12 Q. So, you mentioned procedures
13 and tactics. So, what procedures did
14 he disclose to Attorney Zeiger?

15 A. I think the way that prisoners
16 are moved around the correction
17 facility, the --- the supervision, the
18 --- the number of COs that are
19 supposed to be present at certain
20 times and, you know, the general
21 factual nature of what happened with
22 this --- with this inmate while he was
23 being processed at the facility.

24 Q. Okay.

25 So, starting with how prisoners

1 are moved around, what information
2 related to that did my client
3 disclose?

4 A. What did he disclose? He --- I
5 don't --- I don't have the information
6 in front of me, but he talked about
7 the --- I'd have to --- I'd have to
8 look at the motion to refresh my
9 memory on what --- what that --- what
10 that movement was, but there were ---
11 there were inmates in two different
12 cells, from what I remember, and they
13 were being processed. So, that would
14 --- that would involve some movement
15 of inmates between those two cells.

16 Q. Okay.

17 The number of COs that are, you
18 mentioned that the number of COs that
19 are on a particular unit, that's
20 information that nobody outside the
21 County knows about?

22 A. Well, we do, we try to protect,
23 we try to keep confidential
24 information on tactics and procedures
25 that the COs have. Do other people

1 know how many people work in the jail?
2 It depends, you know, like, they have
3 their own experience, right? If
4 they're there on a certain day, they
5 might see certain people there. But
6 we don't release that information, you
7 know, as a matter of course, as an
8 employer.

9 Q. You mentioned earlier how, you
10 know, worked, and I think you even
11 mentioned it at some point in this
12 transcript about how you have some
13 experience dealing with "right to
14 know" requests and disclosure of
15 policies and procedures, use of force,
16 I think you mentioned specifically.

17 Correct?

18 A. Right.

19 Q. Okay.

20 First of all, you have no
21 reason to believe that my client
22 disclosed any use of force policies to
23 Attorney Zeiger.

24 Right?

25 A. I don't think there was any

1 force used. I'm trying to think of --
2 - I don't think there was any force
3 use during this, any use of that
4 policy. I would have to look at the
5 use of force policy again to kind of
6 consider that, but I don't remember
7 that, no.

8 Q. Okay.

9 A. I would have made reference to
10 it, I think if I had.

11 Q. And you would agree that use --
12 - the jail's use of force policies are
13 not something that inmates have access
14 to.

15 Correct?

16 A. They shouldn't, yeah.

17 Q. Okay.

18 Or members of the general
19 public?

20 A. No, they shouldn't.

21 Q. So, that type of information,
22 at least the information in the
23 County's use of force policy, that is
24 something that the County, the jail
25 specifically, takes steps to make sure

1 nobody outside the employee of the
2 County has access to.

3 Correct?

4 A. We try to, yeah.

5 Q. And that would be different
6 than, for example, where a particular
7 officer might be stationed on a
8 particular day.

9 A. I don't --- I don't think it is
10 all that different. I think that
11 there's information that you learn as
12 part of your employment, right,
13 especially in a correction facility,
14 that you're trusted with and you're
15 trusted to keep confidential.

16 Q. Sure.

17 A. So, if you're saying if there's
18 different categories of information,
19 you know, I don't know if the
20 correction policies really get into
21 that. They just, they call it
22 confidential, right. It's --- it's
23 work information. It's not stuff we
24 share with the outside world.

25 Q. Fair enough.

1 But what I'm asking, what I'm
2 saying is use of force policies are
3 not something that inmates would know
4 about.

5 Correct?

6 ATTORNEY BURNS:

7 Objection to form.

8 THE WITNESS:

9 Yeah, I mean, the actual
10 policies themselves? No, I don't -
11 -- I don't think they would. But
12 if they had seen force being used,
13 if they had it used on themselves,
14 they might understand a portion of
15 it, right? Of what the --- what
16 the procedure was for that --- for
17 that use of force.

18 BY ATTORNEY MANSOUR:

19 Q. Okay.

20 But they wouldn't know --- how
21 do I want to phrase this? So, they
22 wouldn't know the circumstances that
23 would necessarily --- or the rules
24 that would govern use of force, right?
25 They just know how it's used on them.

1 ATTORNEY BURNS:

2 Objection, form

3 THE WITNESS:

4 Yeah, I'm not sure. I
5 mean, it's --- It really depends on
6 the inmate, right. They may have
7 studied it. They, you know, as far
8 as the County specific policies,
9 probably not.

10 BY ATTORNEY MANSOUR:

11 Q. You mentioned the word
12 "tactics" in regards to information
13 that my client shared regarding
14 tactics. What tactics did he --- what
15 tactics did he share with Attorney
16 Zeiger that you believe were
17 confidential?

18 A. I think the movement of the
19 inmates, the directions, the guards
20 supervising, right. How many guards
21 are supposed to be there, how many
22 folks are supposed to be present,
23 those sorts of things, during the
24 incident that occurred.

25 Q. And why is that confidential?

1 So, like, let's say that, you know,
2 Attorney Kimbrough --- or Attorney ---
3 Lieutenant Kimbrough said there were
4 supposed to be three officers present
5 on the unit, but there were only two.

6 Why is that confidential?

7 A. Well, I mean, if I --- I can't
8 speak for the public, but my best
9 guess is that could lead to, if --- if
10 the inmates know there's only so many
11 people available, they have a better
12 chance of overcoming those
13 individuals. It has to do with
14 operations, right? And it has to do
15 with internal information to the
16 correction facility. And so, all that
17 would be kind of, it's non-public
18 information, right? It's how we do
19 our business inside of the jail. And
20 by its nature, its information should
21 be kept confidential.

22 Q. Wouldn't --- you would agree
23 with me, isn't it true that any inmate
24 in the jail, particularly one that's
25 maybe been there for a while, would

1 know which officers are present on a
2 unit and which ones are not?

3 ATTORNEY BURNS:

4 Objection, form.

5 THE WITNESS:

6 They could, from their
7 experience. But we certainly
8 wouldn't want our employees
9 distributing that information.

10 BY ATTORNEY MANSOUR:

11 Q. Okay.

12 A. Even if --- even if an inmate
13 that has spent some time there might
14 know it somewhere, right? We don't
15 want our employees distributing that
16 confidential information.

17 Q. Sure.

18 But that's something that the
19 inmates could observe themselves
20 without learning that information from
21 any of the officers that work in the
22 jail.

23 Right?

24 A. They would have their own
25 experience, depending on what the

1 staffing was that day, sure, they
2 would.

3 Q. And that's different from, for
4 example, the County's use of force
5 policies.

6 Right?

7 That's not something that the
8 inmates can just go read for
9 themselves if they wanted to.

10 ATTORNEY BURNS:

11 Objection, form.

12 THE WITNESS:

13 Is it different? I
14 mean, it depends on if they've had
15 force used on them. They might
16 have some knowledge of what that
17 escalation of force looks like, if
18 that's laid out in the policy, if
19 they've gone through.

20 BY ATTORNEY MANSOUR:

21 Q. Well, they would know what
22 happened to them.

23 Right?

24 A. Yeah.

25 Q. But they wouldn't know what the

1 policies and procedures are regarding
2 the use of force. They would just be
3 able to talk about what happened to
4 them.

5 A. And I think the same would
6 apply for the, how many guards were
7 present, they don't know what the
8 policy says or how many should be
9 there, shouldn't be there. And your
10 client had indicated that, right? How
11 many should be there. And that's, you
12 know, that's disclosure of
13 confidential information. At least
14 that's what I found.

15 Q. Now we, I asked you a few
16 moments ago about whether you knew
17 there was a protective order in the
18 Patterson matter.

19 A. Mm-hm.

20 Q. And you stated that you were
21 aware ---

22 A. At some point, either before --
23 - if you were finished.

24 Q. That's okay.

25 A. Yeah, either before or after

1 this, I was aware. I remember hearing
2 the word protective order related to
3 the, yeah, the Patterson case.

4 Q. And I am at this point going to
5 show you what's already been pre
6 marked as P-4.

7 A. Okay.

8 Q. Which is a copy of the
9 emergency motion.

10 A. Oh, okay.

11 Q. That Attorney Zeiger filed.
12 And I want to point your attention to
13 paragraph three, and I'll read it. It
14 says, "Plaintiff's Counsel," that is
15 Zeiger, "disclosed that there is an
16 active protective order regarding this
17 case and that Counsel would be happy
18 to listen to his story," his being Ara
19 Kimbrough's, "but would not comment
20 due to the protective order."

21 Did I read that correctly?

22 A. Yes.

23 Q. Okay.

24 So, the fact that Attorney
25 Zeiger was subject to a protective

1 order and could not discuss or
2 disclose any of the things that Ara
3 Kimbrough told him, given that fact,
4 how could inmates or other people have
5 learned about what our Kimbrough told
6 Attorney Zeiger?

7 ATTORNEY BURNS:

8 Objection, Form.

9 THE WITNESS:

10 It's --- that's not,
11 that wasn't my concern here. My
12 concern more was the fact that this
13 confidential information was
14 disclosed.

15 BY ATTORNEY MANSOUR:

16 Q. But it was your concern, sir,
17 wasn't it? You mentioned earlier that
18 your concern was that this information
19 was sensitive or confidential and
20 could be used to harm inmates or
21 employees in the jail if it got into
22 the wrong hands.

23 Right?

24 A. I did say that. I agree with
25 that too.

1 Q. And that was really the whole
2 gist of this investigation.

3 Right?

4 At least allegedly, is that he
5 disclosed information that was
6 confidential and could be used to harm
7 the jail.

8 Right?

9 A. No, I wouldn't say that. I
10 would say my concern here is more the
11 act of disclosing the information,
12 right. The general nature of people
13 being harmed, sure, that's, if someone
14 was actually harmed, that would be ---
15 that would be awful. That would be
16 terrible right. Right now, we have in
17 the media, we have the Signal case,
18 right? That --- where information was
19 disclosed and, you know, was anyone
20 harmed from that --- that inadvertent
21 or very advertent disclosure,
22 unauthorized disclosure, maybe it was
23 authorized, but was anyone harmed
24 there? I would say no, nobody was
25 harmed. But that doesn't make the

1 disclosure okay, right? Same here,
2 right? This disclosure, the fact that
3 you are sharing details, non-public
4 details with outside, with an outside
5 entity, that's --- that's what I found
6 to be a violation of the policy.

7 Q. Okay, so if no harm could come
8 from the disclosure, what's the
9 problem with it?

10 ATTORNEY BURNS:

11 Objection, form.

12 THE WITNESS:

13 We have --- we have
14 policies that we must follow. We ---
15 we have, we, as County employees, we
16 have information that we expect to
17 keep confidential and what we don't,
18 that's a violation of policy. But
19 whether someone's hurt or not, it's a
20 violation of policy. And as a
21 supervisor, as someone who's been in
22 the job for 16 years, a lieutenant, we
23 should --- we should know better than
24 to disclose information to outside.
25 And he, the general harm from

1 disclosing this or from other folks
2 having this information, yeah, there
3 could be some harm done. But the fact
4 that the disclosure was made is --- is
5 the issue here.

6 Q. Well, that's the purpose behind
7 you --- the purpose behind policies
8 against disclosure of confidential or
9 sensitive information.

10 Right?

11 Is that the disclosure of that
12 information could somehow harm the
13 interests of the jail in some way.

14 Right?

15 A. Yeah, there's some deterrence
16 effect, right, from policies as well.

17 We don't want, if people thought, oh,
18 nobody gets hurt, I can tell, give out
19 all these Social Security numbers,
20 give birthdays out, all this private
21 information I have with people, I
22 could just give it to them as long as
23 nobody's harmed, it's okay.

24 Q. Well, there's privacy interest
25 there.

1 Right?

2 A. Yeah.

3 Q. So, you know, you don't
4 disclose that kind of information or
5 the County wouldn't want employees
6 disclosing that kind of information
7 because it would harm the privacy
8 interests of the people who that
9 information belongs to?

10 A. Sure.

11 Q. Okay.

12 A. Yeah.

13 Q. So, there's a harm there that
14 the County is trying to prevent.

15 A. Yeah, I would agree with that.

16 Q. And under some circumstances
17 you would agree with me, there is some
18 confidential or sensitive information,
19 for example, use of force policies,
20 the County wouldn't want disclosed to
21 anybody outside of the County because
22 in the wrong hands, it could
23 potentially cause harm.

24 Right?

25 A. I agree with that as well.

1 Q. Okay.

2 But in this case, considering
3 that Attorney Zeiger was subject to a
4 protective order and couldn't disclose
5 that information to anybody else, the
6 possibility of harm was mitigated.

7 Right?

8 A. I agree that the possibility of
9 harm was mitigated. That doesn't
10 defeat the fact that he violated
11 policy. Again, just because someone
12 wasn't harmed because it was given to
13 this attorney, doesn't defeat the
14 deterrence aspect of policy, right, to
15 not disclose information to whoever we
16 choose. And, you know, it's
17 important, right? Just because it
18 didn't harm someone in this case
19 doesn't make it not a violation of the
20 policy.

21 Q. Are you aware of any
22 investigations that the County, and by
23 extension, the solicitor's office has
24 ever done into other employees who
25 have allegedly disclosed confidential

1 information?

2 A. I am not.

3 Q. Are County or jail employees
4 prohibited from going home and telling
5 their spouses or significant others
6 what happened at work that day?

7 A. In detail, I think they are.

8 Q. Do you think that's ever
9 happened before?

10 A. Do I think that County
11 employees have told their spouses
12 about their day? Sure.

13 Q. Has the County investigated
14 every employee of the jail to find out
15 whether they went home and told
16 somebody what happened at work that
17 day?

18 ATTORNEY BURNS:

19 Objection to form.

20 THE WITNESS:

21 I have no idea whether
22 the County has. This is the only
23 investigation, HR investigation
24 I've ever been.

25 BY ATTORNEY MANSOUR:

1 Q. I mean, chances are if you did
2 do a thorough investigation, there'd
3 probably be a lot of people who would
4 be fired for violating
5 confidentiality.

6 Right?

7 ATTORNEY BURNS:

8 Objection, form.

9 THE WITNESS:

10 And I can't speak to why
11 this individual was fired. I can
12 tell you why I found him in
13 violation of County policy. But I
14 had --- I had no --- no part of
15 the, you know, the termination or
16 suspension, as you mentioned
17 earlier.

18 BY ATTORNEY MANSOUR:

19 Q. He told you that he --- he
20 shared this information with his
21 therapist.

22 Did that violate
23 confidentiality?

24 A. I understood that to be the,
25 kind of the staffing, general staffing

1 concerns from our communication. I
2 didn't understand it to be the
3 detailed nature that he had given Mr.
4 Zeiger here.

5 Q. Did you ask him that?

6 A. I don't remember if I followed
7 up, but that was my understanding, is
8 that it was more of a general nature
9 and that he only gave the --- cause I
10 remember asking him about media, and
11 he said, no, I wouldn't have given
12 this to the media. Or he said, I
13 didn't give this to the media. I
14 remember him saying something about, I
15 have to get authorization to disclose
16 things to the media. And him not
17 thinking he had to disclose, get
18 authorization disclosed to outside
19 attorneys, which --- which surprised
20 me that he thought that.

21 Q. If he told you, had told you,
22 that he did share details with his
23 therapist, for example, the same level
24 of detail that he shared with Attorney
25 Zeiger, in your view, would that have

1 been a violation of confidentiality?

2 ATTORNEY BURNS:

3 Objection, form.

4 THE WITNESS:

5 I don't know. I'd have
6 to --- I'd have to look at his ---
7 yeah, I don't know.

8 BY ATTORNEY MANSOUR:

9 Q. Why don't you know?

10 A. What's that?

11 Q. Why don't you know?

12 A. I'd have to look at his medical
13 situation, perhaps. I just, there's -
14 -- there's too much there. I think it
15 probably would be, but I'd also have
16 to look and see what his medical
17 situation is or maybe something at
18 play there. I'm not sure.

19 Q. Why would that be relevant,
20 what his medical situation is?

21 A. You know, like, is he being
22 treated for this, what he observed
23 that day, right? Is that why he's
24 seeing this therapist? Is it marriage
25 counseling? Is it --- it could be ---

1 it could be a number of things, right?
2 And so, if he's actively dealing with
3 this situation that happened two years
4 prior, you know, that would be a ---
5 that might be --- that might be
6 mitigation, I guess, as far as that
7 disclosure goes.

8 Q. Okay.

9 So, I think what he said here
10 in his notes was, after the Patterson
11 incident, he sought counseling and
12 apparently, shared this information
13 with his therapist. This is on page
14 three of 1108.

15 A. Okay.

16 Q. So, let's assume for the sake
17 of this question, that he shared this
18 information with his therapist in
19 order to seek counseling because he
20 was distraught by what happened.

21 Would that justify or would he
22 have been violating the County's
23 confidentiality policies?

24 A. I think he would be. I think
25 there would be some mitigation there,

1 though. I would have, there'd be
2 mitigation there. Would it be a
3 violation of policy? Probably, yeah.

4 Q. What would --- what do you mean
5 by mitigation? What do you mean it
6 would be mitigation?

7 A. Well, it's like, you know,
8 like, if you --- if you steal to feed
9 your family, right? There's maybe
10 some mitigation or extenuating
11 circumstances surrounding it, right?
12 If --- if he had shared this
13 information with a therapist in order
14 to --- seeking medical care, right ---
15 right after the incident, then that
16 would be, you know, mitigation, right?
17 He would say, hey, I told my
18 therapist, but I told him because I
19 needed to get better. I needed to be
20 able to handle this. You know, I knew
21 it was wrong. I knew I shouldn't share
22 confidential information, but I shared
23 it with my therapist because I needed
24 to get healthy. That would be
25 something that I would have referenced

1 in my interview as potential
2 mitigation as far as any kind of
3 punishment for that violation of
4 policy.

5 Q. So, what's the difference
6 between that scenario, of him sharing
7 this information with his therapist in
8 order to get counseling and what
9 actually happened in terms of him
10 sharing this information with Attorney
11 Zeiger?

12 A. I think some of it is timing.
13 Some of it is him failing to, at least
14 in my interview, right, failing to
15 acknowledge the gravity of the release
16 of confidential information. I would
17 --- I would expect somebody with the
18 experience level that he has to have
19 more --- a better sense of why this
20 information should remain
21 confidential, right?

22 Q. Okay.

23 But my question is, what is the
24 difference between him sharing this
25 information with his therapist versus

1 him sharing it with Attorney Zeiger?

2 A. I think I answered it. I said
3 timing, right?

4 Q. Okay, so let's stop there.

5 Let's take a little bit, so
6 what do you mean by timing?

7 A. I don't remember this from the
8 interview, but the notes here say that
9 he, after the incident, he sought some
10 counseling, right? So, dealing with
11 right afterwards versus two years
12 after, when he gets notified of a
13 disciplinary action, and then he calls
14 him at home that night.

15 Q. Okay.

16 So, he was notified of
17 disciplinary action on May 30th, he,
18 being my client, he was notified of
19 disciplinary action on May 30th. And
20 according to Attorney Zeiger, he, my
21 client contacted Attorney Zeiger later
22 that evening on May 30th.

23 Correct?

24 A. Yeah, that's my --- that's my
25 memory.

1 Q. And that's what you're
2 referring to as the timing.

3 A. Yeah, that and it being
4 different from that --- you asked me
5 the difference for therapist, right?
6 And it's two years after the incident.

7 Q. So, would your analysis change?
8 Let's just say that my client told
9 his therapist also on May 30, 2024,
10 after he got notice of a disciplinary
11 hearing.

12 ATTORNEY BURNS:

13 Objection.

14 ATTORNEY MANSOUR:

15 Would that change your
16 analysis?

17 ATTORNEY BURNS:

18 Objection, form.

19 THE WITNESS:

20 I --- I don't know.

21 BY ATTORNEY MANSOUR:

22 Q. That would make a difference?

23 A. Yeah, it could, right. I mean,
24 you know, like, PTSD is a weird thing,
25 a weird disease, a weird disorder.

1 So, if it only impacted him two years
2 later and he sought help for that, it
3 hit him because something reminded him
4 of it, right, then it could be the
5 same analysis, right.

6 Q. So, let's kind of maybe cut
7 through the clutter. So, the
8 implication from you and from what
9 I've gathered from a number of other
10 witnesses in this case, is that the
11 implication is that my client was
12 acting in a retaliatory manner by
13 contacting Attorney Zeiger after he
14 had received notice of his
15 disciplinary hearing.

16 Right?

17 ATTORNEY BURNS:

18 Objection, form.

19 THE WITNESS:

20 Yeah, I didn't ---

21 BY ATTORNEY MANSOUR:

22 Q. Is that the --- was that the --
23 - the --- the gist that you got from
24 the timing?

25 ATTORNEY BURNS:

1 Objection form.

2 THE WITNESS:

3 Was that the gist that I
4 got, that he was retaliating
5 against ---

6 BY ATTORNEY MANSOUR:

7 Q. Yeah.

8 Why did --- why is that
9 suspicious to you that he contacted
10 Attorney Zeiger on the same day that
11 he received notice of his disciplinary
12 hearing, so what?

13 ATTORNEY BURNS:

14 Objection, form.

15 THE WITNESS:

16 So, why --- say the
17 question again. I'm sorry. Why is
18 it --- why is it ---

19 BY ATTORNEY MANSOUR:

20 Q. Yeah, why does that matter?

21 A. Why does it matter?

22 Q. That he contacted Attorney
23 Zeiger on the same day he got notice
24 of his disciplinary hearing? So what?
25 Why does that matter?

1 A. What mattered to me is that he
2 didn't understand the --- you asked me
3 first, like, the difference between
4 therapist and the disclosure to
5 Zeiger. Really what --- really, what
6 I remember and what I took away from
7 this whole interview was that he
8 failed to see the gravity of releasing
9 this information, two years
10 afterwards. He felt --

11 Q. Or did he fail to --- I'm
12 sorry. Go ahead.

13 A. No, that was what bothered me.
14 And then even when we talked about it
15 for a while, he still didn't accept,
16 he didn't acknowledge that was a
17 really bad thing to do. To disclose
18 information that is internal to the
19 County, to an outside entity, whether
20 it be media or, you know, online, or
21 in this case, a defense attorney or a
22 plaintiff's attorney. You know, like,
23 that --- that's what bothered me,
24 right? That's --- that's why I made
25 the findings I did.

1 Q. So, the fact that he disclosed
2 this information to Attorney Zeiger,
3 who is actively suing the County, was
4 a factor in your analysis?

5 A. That's how we became aware of
6 it. Was it a factor that he --- it
7 was a factor. It wasn't the greatest
8 factor. The biggest issue I had is
9 that he didn't comprehend what he had
10 done. He wouldn't acknowledge it,
11 even when we talked about it for a
12 while, he still was like, I don't
13 think it's a big deal kind of thing.
14 That's what --- that's what bothered
15 me about the interview.

16 Q. Okay.

17 And clearly you thought it was
18 a big deal.

19 A. Yeah, I think it's a big deal
20 to protect County information.

21 Q. Okay.

22 And you thought it was a big
23 deal because he disclosed that
24 information to Plaintiff's Counsel.

25 A. That's how we found out about

1 it. But if I had heard he called the
2 newspaper and said the same thing, I
3 would have had similar findings.

4 Q. You're an attorney, right?

5 A. Yes.

6 Q. Okay.

7 A. Yeah.

8 Q. And not only are you an
9 attorney, but you're an attorney who
10 works for a public entity.

11 Correct?

12 A. My whole life. Well, other
13 than about a year and a half.

14 Q. Okay, so then I take it, based
15 on your experience, that you're aware
16 of Section 1983 of Title 42.

17 Right?

18 A. I'm aware of it.

19 Q. And you're aware that those are
20 the claims that are asserted in this
21 case, violations of Section 1983.

22 A. I am not aware of the claims in
23 this case. I --- I only am aware of
24 my part of this, and that was the
25 interview I did.

1 Q. Okay, so I'll represent to you,
2 those are the two claims in this case
3 against the individual defendants and
4 the County, violation --- violations
5 of Section 1983.

6 A. Okay.

7 Q. Are you --- do you know what
8 section 1983 is?

9 A. What, I think there's several
10 parts. Is there one part that he ---
11 I'm not, you'd have to educate me a
12 little bit.

13 Q. Okay.

14 So, Section 1983 ---

15 A. I don't do any employment laws.

16 Q. That's okay, I'll summarize.

17 So, Section 1983, at least in
18 the context of --- so, generally,
19 allows individuals to sue government
20 agents when those government agents
21 violate the individual's
22 constitutional rights.

23 A. Yep.

24 Q. Okay.

25 A. Yeah.

1 I think it's search and
2 seizure.

3 Q. Many --- many times it comes up
4 in the context of search and seizure.
5 In the context of prisons, you often
6 see 8th Amendment claims, violations
7 of 8th Amendment rights with regards
8 to cruel and unusual punishment, 14th
9 Amendment rights.

10 Are you also aware of the fact
11 that Section 1983 protects First
12 Amendment rights?

13 A. I believe it does. I don't
14 doubt you when you say that.

15 Q. Okay.

16 A. This isn't really my area of
17 the law.

18 Q. Okay.

19 So you, and you also understand
20 that the First Amendment, among other
21 rights, protects the right to free
22 speech?

23 A. I do know that.

24 Q. And are you aware of the fact
25 that public employees have certain

1 free speech rights in the workplace?

2 A. I, they have some free speech
3 rights. That's right.

4 Q. And that when a government
5 employer violates an employee's free
6 speech rights, that employee has a
7 cause of action under Section 1983.

8 Are you aware of that?

9 A. Wouldn't surprise me.

10 Q. Did you consider, at any time
11 during your investigation into my
12 client, whether his speech was
13 protected by the First Amendment?

14 By his speech, I mean more
15 specifically, his conversation with
16 Attorney Zeiger.

17 A. I did not feel it was protected
18 by the First Amendment.

19 Q. Did you do any legal research
20 into that matter?

21 A. I've had some experience
22 dealing with government employees and
23 confidential information. And based
24 on my past experience, I --- I did not
25 feel like this was First Amendment

1 material.

2 Q. Okay.

3 You did not do any legal
4 research?

5 A. I didn't do separate legal
6 research in regards to this interview,
7 no.

8 Q. Did you know, can you tell me,
9 based on your knowledge, what kind of
10 speech, public employee speech, is
11 protected by the First Amendment?

12 A. Well, I mean, as a public
13 employee, I deal with it, with
14 elections sometimes, right? You can
15 have some speech you can't be fired
16 for, you know, certain political
17 statements you make, especially
18 outside of your employment, right?
19 Just your status as a County employee.

20 You can still run for office. You
21 can make certain speech --- certain
22 speech is protected there. You know,
23 there's whistleblower information
24 that's protected by the First
25 Amendment as well, and federal

1 statute. You know, those are the, I
2 guess, those are the two incidents
3 that come to mind to me.

4 Q. Okay.

5 Do you know, and maybe you
6 don't. That's fine if you don't. The
7 legal standard for protected speech
8 under the First Amendment, what kind
9 of speech constitutes protective
10 speech under the First Amendment?

11 A. I don't know off the top of my
12 head.

13 Q. If Attorney --- or Lieutenant
14 Kimbrough had shared the same
15 information at, for example, a County
16 prison board meeting, had stood up and
17 said, I think there's lots of
18 understanding --- understaffing at the
19 jail. This is what happened with
20 Patterson. Officer was pulled, able
21 to sneak drugs in, everything he told
22 Zeiger, had he stood up and said that
23 at a County prison board meeting,
24 would he have been violating County
25 confidentiality policies?

1 A. I'd have to look at it. Was he
2 authorized to, is he speaking on
3 behalf of --- is he speaking personal
4 capacity?

5 Q. As a citizen.

6 A. I think that one would likely
7 be a violation of County policy if he
8 wasn't authorized to release that
9 information. I don't believe that he
10 could release it at a public meeting
11 like that.

12 Q. Would it be protected by the
13 First Amendment?

14 A. I don't think it would be
15 protected by the First Amendment, but
16 I haven't researched that issue
17 specifically.

18 Q. Based on your understanding,
19 your limited understanding of First
20 Amendment law ---

21 A. I think that's fair.

22 Q. In the employment context, is
23 it possible for employee speech that
24 violates a County policy to still be
25 protected by the First Amendment?

1 A. Yeah, I think that's possible.
2 I think policies aren't always
3 constitutional, as written, right?
4 And so, yeah, there's certainly times
5 where municipality or County may have
6 a policy that doesn't meet First
7 Amendment muster or Constitution
8 muster.

9 Q. Or --- and I think maybe you're
10 talking about what we would typically
11 refer to as a facial challenge, right.
12 So, the law or policy or regulation,
13 on its face, is unconstitutional under
14 all circumstances. But what about an,
15 as applied standard? So, for example,
16 this particular policy, while in some
17 instances may be constitutional as
18 applied to one person, may be applied
19 in an unconstitutional manner.

20 ATTORNEY BURNS:

21 Objection.

22 BY ATTORNEY MANSOUR:

23 Q. Are you --- are you ---

24 A. I don't know what the question
25 is.

1 Q. Is it possible for a --- an
2 otherwise constitutional policy to be
3 applied in a manner that violates the
4 First Amendment?

5 A. I don't know this area of the
6 law well enough, but I suppose it's
7 possible. I don't --- I can't say for
8 sure.

9 Q. And again, I just want to be
10 clear, you, yourself, never did any
11 sort of legal analysis into whether my
12 client's conversation with Attorney
13 Zeiger was protected by the First
14 Amendment.

15 A. I relied on my experience with
16 the First Amendment with government
17 employees and confidential
18 information. I did not do any
19 additional research before I conducted
20 the interview.

21 Q. Okay.

22 So, what's your experience with
23 government employees and confidential
24 information and the interplay between
25 that and the First Amendment?

1 A. You know, throughout my, I've
2 been working for various governments
3 from federal --- I never worked for
4 the state government, federal, County,
5 local municipalities, right,
6 oftentimes government employee speech
7 is --- is limited because of their
8 employment. You know, the --- you
9 know, when you are trusted with
10 certain information as part of your
11 employment, you're not allowed to
12 release that information. And that's
13 a theme that's, I've had throughout my
14 career as an attorney. I've been
15 aware of. I mean, there's outlets
16 for, if you have a concern about your
17 safety or about someone else's safety
18 or fraud, waste, and abuse, you have
19 whistleblower statutes. You have
20 other ways to provide that
21 information, but you don't release
22 information unless it's authorized.

23 Q. Can you turn to page, so it's
24 1110 of Exhibit P-15?

25 A. Yeah.

1 Q. So, maybe about two thirds of
2 the way down, you ask, it says, "DG, I
3 don't know why you felt you were
4 authorized to share the info."

5 Do you see that line?

6 A. I don't know, yep.

7 Q. Okay.

8 So, you had asked him, "I don't
9 know why you were you --- I don't know
10 why you felt you were authorized to
11 share the info. Did someone tell you
12 that you could?"

13 And my client's response was,
14 "It's an ongoing issue at the jail
15 that hasn't been corrected."

16 Then you asked him, "Do you
17 feel like you're a bit of a
18 whistleblower?"

19 And he said, "I don't know."

20 My question to you is, do you
21 feel like my client was a bit of a
22 whistleblower?

23 A. No, I don't.

24 Q. Okay.

25 And why not?

1 A. Why did I not feel like he's a
2 like he's a whistleblower? The ---
3 his general concerns were well known
4 to the County about staffing, right.
5 It's not a, the County jail has had
6 staffing issues, at least since I've
7 been here. So, that wasn't --- that -
8 -- and that wasn't --- folks knew
9 about that, right? So, it wasn't
10 something that he was bringing to
11 light. That, when I think about a
12 whistleblower, it's someone who brings
13 an issue to light that people aren't
14 aware of, right? And that's not the
15 situation.

16 Q. Okay.

17 So, then based on that
18 response, how did he share
19 confidential information if the issues
20 he brought to light were already known
21 by other people?

22 A. The staffing issues were
23 certainly known to other people,
24 right? The, as a, again, as a County
25 employee, you're trusted with

1 information, with confidential
2 information to not disclose. And ---
3 and he did that in this case, right.
4 Not about staffing, but about what
5 actually happened in this other
6 situation.

7 Q. Okay, but I think you just said
8 that you don't view him as a
9 whistleblower because the information
10 that he shared was already generally
11 known by other people.

12 ATTORNEY BURNS:

13 Objection, form.

14 BY ATTORNEY MANSOUR:

15 Q. Is that what you said?

16 A. Yeah, I think that's what I
17 said.

18 Q. Okay, so that being the case,
19 how is it that he violated
20 confidentiality if the information he
21 shared was already generally known by
22 other people?

23 A. We're talking about two
24 separate bits of information here.
25 One is the staffing issue, the other

1 is the events that happened to
2 Patterson.

3 Q. Okay.

4 So --- so what you're saying
5 is, with regards to his general
6 concerns about staffing, he's not a
7 whistleblower because that information
8 was generally known by other people.

9 Right?

10 A. Yeah.

11 Q. Okay.

12 And your definition of
13 whistleblower, I'm taking, based on
14 your answer, correct me if I'm wrong,
15 is that a whistleblower who shares
16 information, is a person who shares
17 information that is not generally
18 known by other people.

19 A. Yeah, and, you know, discloses
20 it to the proper channels is a big
21 part of the --- was the law or policy,
22 right? The CO, the law department,
23 or the --- actually, law department, I
24 don't think --- it's HR director or
25 the CO are the two people in the

1 policy.

2 Q. Okay.

3 And I'm not talking
4 specifically about the County's
5 whistleblower policy or even the
6 state's whistleblower law. You are
7 familiar with the state's
8 whistleblower law.

9 Right?

10 A. I'm --- I'm familiar with the
11 County's policy.

12 Q. Okay.

13 So, the County's policy is not
14 law?

15 A. Right.

16 Q. And my client, or nobody else
17 can sue the County for violating their
18 own policy.

19 Right?

20 A. Well, I wouldn't say that, but.

21 Q. I mean, anybody could sue for
22 anything, but they --- they wouldn't
23 have a viable legal claim.

24 A. I wouldn't think they would.

25 Q. You violated your own internal

1 policy.

2 Right? Because policies are
3 not legal laws.

4 A. Yeah.

5 Q. Okay.

6 A. Yeah.

7 Q. So, with respect to staffing,
8 you're claiming that my client was not
9 a whistleblower because him sharing
10 his general concerns about staffing
11 were already known by people outside
12 the County.

13 Right? That's what --- that's
14 what makes him not a whistleblower?

15 A. Yeah, I think.

16 Q. So, does it also follow from
17 that him sharing his general concerns
18 about staffing did not violate the
19 County's confidentiality policies?

20 A. I'm sorry, you lost me.

21 Q. Does it also, so from your
22 conclusion.

23 A. Yeah.

24 Q. That he is not a whistleblower,
25 because the information about staffing

1 that he shared was already generally
2 known. Does it follow from that his
3 sharing of that information was not a
4 violation of the County's
5 confidentiality policies?

6 ATTORNEY BURNS:

7 Objection, form.

8 BY ATTORNEY MANSOUR:

9 Q. Because it was already known.

10 A. Yeah, if someone says the jail
11 is understaffed, I don't think that's
12 confidential, that would qualify, that
13 statement alone is confidential
14 information, like, generally speaking.

15 But if they're saying on such and
16 such a date, the jail is understaffed,
17 you know, like, we didn't have that
18 many people on shift today, then that
19 would be --- that would be a factual
20 matter that would concern me, and I
21 think that would be confidential.

22 Q. Okay.

23 So, I just want to clarify.

24 So, you're, just going back, and I
25 want to make sure we're clear on this.

1 So, your definition of a
2 whistleblower be somebody who shares
3 information that is not generally
4 known by people outside of the
5 organization?

6 A. I mean, there's, you know, when
7 --- shares information, it has to be a
8 certain type of information. I think
9 our. I mean, it all started with this
10 question, right? Do I feel like
11 you're --- do I feel like you're a bit
12 of a whistleblower? Do you feel like
13 you're a bit of a whistleblower? I
14 was trying to get a sense of where he
15 was, right, and ---

16 Q. I'm trying to get a sense of
17 why you would ask him that question.

18 A. Why did I ask him that
19 question?

20 Q. Is it because you felt like he
21 was a bit of a whistleblower?

22 A. No, I don't --- I don't --- I
23 didn't ever feel like he was a bit of
24 a whistle --- I was trying to get all
25 the facts out, right. To understand,

1 like, where he was coming from, why he
2 would have made this, release this
3 information. That was, to me, clearly
4 confidential information. And, you
5 know, like his denial that it was
6 information that should be kept in
7 house. I was trying to get a sense of
8 where he was at. That's why I asked
9 that question.

10 Q. So, with respect to the other
11 details that he shared with Attorney
12 Zeiger, regarding one officer being
13 pulled off the unit, the inmate being
14 returned to his dirty cell, which
15 wasn't locked, all the stuff that you
16 detailed earlier.

17 A. Yeah.

18 Q. With respect to that
19 information, was my client a
20 whistleblower or a "bit of a
21 whistleblower," to use your words?

22 A. I --- I don't --- I don't think
23 he was a whistleblower. That's ---
24 no, I don't think he was. I don't
25 think that would --- yeah, I don't ---

1 I don't think so.

2 Q. Why not?

3 A. I guess when I think about
4 whistleblower, I think about people
5 who make reports to authorized
6 individuals, right? And that wasn't
7 what happened in this case. So, I
8 wouldn't categorize that as
9 whistleblower that, you know, as the
10 term whistleblower as I know it.

11 Q. So, a person who makes a report
12 to New York Times reporter would not
13 be a whistleblower?

14 A. I don't know. I don't --- I'd
15 have to think about that, but I don't
16 --- I don't think so. I think in
17 order to be, you know, like there's a
18 term that is defined in County policy,
19 in state federal law, whistleblower
20 versus just kind of the general term
21 whistleblower really depends on how
22 that word is being used. I mean, if
23 he was going to contact the New York
24 Times about this, he would have to get
25 authorization, he knows that. That's

1 a different --- that's a different
2 scenario to me than what happened
3 here, right?

4 Q. In your opinion, as a
5 practicing attorney for a public
6 entity, and especially with your
7 opinion, with your experience and in
8 the public employee context, like you
9 talked about before, had he shared
10 this information with a newspaper
11 reporter, are you saying that would
12 not have been protected by the First
13 Amendment?

14 ATTORNEY BURNS:
15 Objection, form.

16 THE WITNESS:
17 I think it would be a
18 violation of the County policy if
19 he shared this, unauthorized, with
20 a newspaper.

21 BY ATTORNEY MANSOUR:

22 Q. Understood.

24 Would it have been protected by
25 the First Amendment?

26 A. I don't know. I haven't done

1 that research.

2 Q. But you would agree with me, it
3 doesn't necessarily follow that just
4 because it violated policy, it's
5 therefore necessarily not protected by
6 the First Amendment. Those are two
7 different analyses, right?

8 ATTORNEY BURNS:

9 Objection, form

10 THE WITNESS:

11 Yeah, I get your point.

12 I think there may be a time where
13 somebody violates policy when it's
14 protected. I think that's what
15 you're getting at. I think that's
16 probably true.

17 BY ATTORNEY MANSOUR:

18

19 Q. But this was not one of those
20 times, where him sharing that
21 information with somebody outside of
22 the County is protected by the First
23 Amendment, is that ---

24 A. No, not in my opinion. That's
25 not what my findings were, when I did
26 my interview, I felt like it was a

1 violation of the policy. And again,
2 like, the, my bigger concern was the
3 fact that he couldn't appreciate the
4 gravity of that after the fact.

5 Q. Well, and I'm still trying to
6 figure out what the gravity of that
7 is. I mean, correct me if I'm wrong,
8 but it seems to me like the County's
9 biggest problem here was that he
10 shared that information with a lawyer
11 who was suing the County.

12 A. No, I mean, I don't know about
13 the County's biggest problem. My
14 biggest problem is that we entrust
15 County and employees with information
16 every day as --- as County employees,
17 and for him, as a corrections
18 employee, it's what happens at the
19 jail every day. And we're not ---
20 we're entrusted enough as government
21 employees not to go telling everyone
22 about that confidential information.

23 Q. But he didn't tell everyone.

24 Right?

25 He told --- your evidence that

1 you have is that he told one person.

2 A. That's what we know of. Yeah,
3 that's right. And that's my problem
4 here is, and then the fact that he
5 wasn't willing or able to acknowledge
6 the --- that that was a bad thing to
7 do afterwards. That was my issue.

8 Q. I just want to clarify for the
9 record, there's no, your investigation
10 did not reveal that he disclosed any
11 of this information to anybody other
12 than Attorney Zeiger.

13 A. No.

14 Q. Except he mentioned his
15 therapist, generally his therapist.

16 A. But that was just staff --- the
17 way I understood, that was staffing.

18 Q. Okay.

19 So, in terms of the
20 particulars.

21 A. Yeah.

22 Q. You're not aware of him
23 disclosing this information to anybody
24 other than Attorney Zeiger?

25 A. I'm not.

1 Q. All right, so this is a
2 document pre-marked as, I'm sorry, as
3 P-5.

4 A. Okay.

5 Q. Yeah, that one works. Yep.
6 I want to turn your attention
7 to the third page of that document.
8 COB 1114, paragraph 8.

9 So, in --- and actually, first,
10 I just want to confirm what we're
11 looking at here. So, this, if you
12 turn to the first page, so, this
13 memorandum is one that you wrote?

14 A. Yes.

15 Q. Okay.
16 It's dated June 13, 2024.

17 A. Yep.

18 Q. Which would be the day after
19 you interviewed my client.

20 A. That's right.

21 Q. And this was provided to Amy
22 Fitzpatrick, the County solicitor.

23 A. Yes.

24 Q. Was this written at her
25 request?

1 A. Was it written --- yeah, I
2 would say it was written at her
3 request. She gave me the job to
4 interview him, and so, I interviewed
5 him to provide a memo.

6 Q. Did you provide this memo to
7 anybody other than Ms. Fitzpatrick?

8 A. I sent it to her. That's it.

9 Q. Okay.

10 So, turning to the third page,
11 paragraph 8, you wrote "The
12 description of the Rhodes incident
13 made by Lieutenant Kimbrough to PC,"
14 PC being Plaintiff's Counsel?

15 A. Yes, yeah.

16 Q. That being Attorney Zeiger.

17 A. Yes, same person.

18 Q. So, "The description of the
19 Rhodes incident made by Lieutenant
20 Kimbrough to PC contained in the
21 motion ---" The motion being that, P-
22 4, that emergency motion that's under
23 file.

24 A. Yep.

25 Q. Okay.

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1 " --- is an accurate summary of
2 the report Lieutenant Kimbrough made
3 to PC on May 30, 2024. I make no
4 finding regarding what actually
5 happened during the Rhodes incident.
6 This finding only confirms that
7 Lieutenant Kimbrough's report of the
8 incident to PC was accurately
9 summarized by PC in his motion."

10 What I understand from that,
11 correct me if I'm wrong, is that what
12 att --- what Ara Kimbrough told you in
13 your June 12th interview is
14 essentially the same as what Attorney
15 Zeiger said in his motion?

16 A. Yes, that's right.

17 Q. Okay.

18 And that would be that
19 paragraph four of ---

20 A. Yes, that's accurate, yeah.

21 Q. Is that P-4?

22 A. Yeah, P-4, paragraph four.

23 Q. Yeah.

24 A. Yep.

25 So, what you're saying is that

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1 Attorney Zeiger, what he says there in
2 that paragraph four is essentially the
3 same as what Ara Kimbrough told you?

4 A. Yeah, he confirmed that this is
5 what he told him.

6 Q. Okay.

7 Now, you had mentioned before
8 that you believe my client violated
9 County policy by disclosing
10 confidential information to Attorney
11 Zeiger.

12 Correct?

13 A. Yes.

14 Q. Okay.

15 And you believe that
16 information was confidential because
17 it was not generally known outside of
18 the County?

19 A. Yes, I think that's right.

20 Yeah.

21 Q. Okay.

22 A. It contained tactics,
23 procedures, that sort of thing.

24 Q. Okay.

25 Now we depose Attorney Zeiger

1 in this case.

2 Are you aware of that?

3 A. I think I am. I think I heard
4 that he was deposed.

5 Q. Who'd you hear that from?

6 A. My wife.

7 Q. Did she tell you what he said?

8 A. No.

9 Q. No.

10 Well, I asked him about this
11 paragraph four. And he said that,
12 indeed, that is everything that my
13 client said. And he also said,
14 testified, that he was already aware
15 of everything my client told him. He
16 knew it all before my client told it
17 to him.

18 Does that change your analysis
19 of whether the information my client
20 shared was confidential?

21 A. No.

22 Q. Why?

23 A. Again, it's information that he
24 received as part of his work for the
25 County. It's information that we're

1 protected with every day. It ---
2 regardless of whether it's known
3 already, it doesn't authorize you to
4 disclose it.

5 Q. But that contradicts what you
6 just testified a moment ago, that the
7 reason it's come confidential is
8 because it's not already known by
9 people outside the County.

10 A. I don't think that's what I
11 said, if I said, I'll clarify. The
12 reason why we protect information
13 inside the jail, maybe not this
14 specific information, but general
15 information inside the jail, right, is
16 that if it's released, there is
17 potential for harm to other
18 correctional officers. And then also,
19 there's the deterrence aspect of it,
20 right? We have to have policies in
21 place so people aren't sharing
22 everything they learn at work with
23 everyone outside or with people
24 outside.

25 Q. I --- I --- and I understand,

1 you know, generally, and I don't want
2 to --- I don't want to --- I don't
3 care about generally. What I want to
4 know is specifically about this case.
5 So, I understand the County's general
6 concern with sharing information that
7 could cause harm to employees or
8 inmates. But I want to know
9 specifically about the specific
10 information my client shared with
11 Attorney Zeiger. The fact that
12 Attorney Zeiger, or at least that he
13 testified under oath that the
14 information my client shared with him,
15 he already knew all of it.

16 How is that confidential?

17 A. It doesn't matter to me, that
18 fact, the fact of the matter is that
19 this --- this was information that
20 belonged to the County and your client
21 disclosed it without authorization.
22 That's --- that's what, it's
23 confidential information and he
24 disclosed it without authorization.

25 Q. Okay.

1 So, are you then saying it
2 makes it confidential --- I'm not
3 trying to confuse you, I'm just really
4 trying to get an understanding of
5 what, in your view, makes this
6 information confidential. So, you're
7 saying this information that he shared
8 with Attorney Zeiger was confidential
9 because he didn't have authorization
10 to disclose it?

11 A. It's part of it, right. In my
12 mind, confidential is non-public
13 information, right. Things that we
14 have as part of our job, that we, you
15 know, internal to our, whatever our
16 County role is here, it's corrections,
17 it's tactics, procedures, things that
18 happen inside the jail, right. He
19 knew he needed to go talk to one of
20 his other supervisors if he got --- if
21 he got a media request, he knew not to
22 release things to the media. He knew,
23 other folks knew, that in order to
24 talk to outside attorneys that you
25 needed to go get authorization to do

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1 so. He didn't do that in this case,
2 right? So that tells me, when I've
3 heard that, that that's confidential
4 information. When you release things
5 that you learn about your job or learn
6 as part of your job, to the outside
7 world that's non-public. That's
8 confidential information.

9 Q. Okay.

10 But he didn't share it with the
11 public, my client.

12 Right?

13 He did not share this
14 information with the public. He
15 didn't go stand on a street corner and
16 yell it out to the public or go to a
17 public prison board meeting and stand
18 up and say it there.

19 Right?

20 That's not what happened here.

21 A. No, he didn't do that. But he
22 disclosed it outside of the correction
23 facility.

24 Q. To one person.

25 A. Yes. Well, yes.

1 Q. Who testified --- who testified
2 that he already knew all of it.

3 A. I don't --- I can't comment on
4 that.

5 Q. Well, I'm telling you, he
6 testified. So, I'm trying to get an
7 idea of why it's still considered
8 confidential. Is it confidential
9 because he didn't have authorization
10 to disclose it?

11 A. My analysis would have been
12 different if someone would have
13 authorized him to call this attorney
14 and provide this information, yes.

15 Q. Okay.

16 A. Like you do when you have a
17 subpoena or something of that nature.

18 He didn't have any of that in
19 this case. He called on his own with,
20 from home, without any, you know,
21 without checking with his supervisor
22 to see if it's okay first.

23 Q. So, then information you review
24 is confidential under the County
25 policies, only when it's disclosed

1 without authorization.

2 ATTORNEY BURNS:

3 Objection, form.

4 THE WITNESS:

5 The question is, can you
6 repeat it again?

7 BY ATTORNEY MANSOUR:

8
9 Q. Information is confidential
10 under the County policies only when
11 it's disclosed without authorization.

12 Is that what you're saying?

13 ATTORNEY BURNS:

14 Objection to form.

15 THE WITNESS:

16 I mean, it's --- it's, I
17 wouldn't say only, I mean, there's, I
18 can think of scenarios where
19 attorneys, right, where you would have
20 authorization, you'd still, you might
21 disclose confidential information.
22 But generally speaking, if you're not
23 authorized by your supervisors to
24 disclose the information, I would
25 consider that confidential in nature.

26 Q. Right.

1 A. There's, you know, there's
2 information that's confidential, I
3 think, that you don't need --- in this
4 case, I mean, he has to be authorized.
5 If he's --- if the --- if he's
6 authorized to speak to someone about a
7 certain situation, then I wouldn't
8 consider that information confidential
9 any longer, in this case.

10 Q. Even if the information he's
11 authorized to disclose is exactly the
12 same information as the information
13 that he shared?

14 So had, in other words, had his
15 supervisor or somebody higher up than
16 him, up his chain of command,
17 authorized him to make this call to
18 Attorney Zeiger and share exactly the
19 same information he shared, then that
20 information would not be confidential?

21 A. In my understanding, yes. That
22 would not be a violation of the policy
23 because he was authorized, like a
24 subpoena, for example, he was
25 authorized to provide that

1 information. So, that --- that
2 previously confidential information
3 would lose that kind of
4 classification.

5 Q. Okay.

6 So, and that's a similar point
7 that's been brought up at other times
8 in this case. So, had my client been
9 subpoenaed to be deposed, for example,
10 by Attorney Zeiger, and in his
11 deposition said exactly the same stuff
12 that he told Attorney Zeiger in that
13 private conversation, that information
14 under those circumstances would not
15 have been confidential?

16 A. Yeah, unless there's a
17 protective order or something else
18 that's at play. I would say,
19 generally speaking, no, of you're
20 subpoenaed to provide testimony, you
21 have to truthfully answer whatever
22 questions are asked.

23 Q. Okay.

24 So, then what makes information
25 confidential, in your view, is not so

1 much the substance of the information,
2 but rather the context in which it's
3 given?

4 ATTORNEY BURNS:

5 Objection, form.

6 THE WITNESS:

7 I mean, the substance is
8 a part of it, right? So, like, if,
9 you know, if he went home and told
10 someone what his coworker had for
11 lunch, that's, you know, it certainly
12 wouldn't need authorization to do
13 that.

14 Q. And that would be confidential.
15 I mean, because before you said, you
16 know, information that you learn in
17 the course of your employment.

18 A. Right.

19 Q. So, that's a good example.

20 Right?

21 If --- if Ara Kimbrough didn't
22 work at the jail, he wouldn't know
23 what his coworker ate for lunch that
24 day.

25 A. Yeah.

1 Q. But that's not confidential
2 information.

3 Right?

4 A. Yeah, I would say that's not
5 related to, you know, tactics, jail
6 operations, things that are related to
7 the functioning of the jail, you know,
8 that's --- that's different.

9 Q. So, then just, you know, to
10 break it down further, because like I
11 said before, we're lawyers. So, the
12 fact that he learns the information,
13 the course of him --- of his
14 employment, that alone doesn't make
15 the information confidential.

16 Right?

17 A. No, I wouldn't say that alone,
18 no. Because, yeah.

19 Q. Okay.

20 So, what I've gathered from
21 your, the colloquy that we've had here
22 so far is that whether the employee
23 learns it from the course, within the
24 course of their employment, that alone
25 doesn't make the information

1 confidential.

2 Right?

3 A. No. That alone, no.

4 Q. Okay.

5 If an employee shares the
6 information without authorization,
7 that makes it confidential.

8 ATTORNEY BURNS:

9 Objection, form.

10 THE WITNESS:

11 It depends on what the
12 information is. But if it has to
13 do with jail operations, tactics,
14 things like that, yes, I would say
15 that's confidential. He would need
16 authorization before he released
17 it.

18 BY ATTORNEY MANSOUR:

19

20 Q. And I think before, like you
21 said, had he been subpoenaed to --- to
22 testify under oath at a deposition and
23 shared the same information, I think
24 you said that --- that in --- in those
25 circumstances, it would not have been
26 confidential.

1 ATTORNEY BURNS:

2 Objection, form

3 THE WITNESS:

4 I mean, I think it's
5 confidential, but he's --- he's
6 authorized to release it, right? So,
7 we, and again, this would be something
8 we might, depending on the nature of
9 the lawsuit, right, we might seek a
10 protective order, depending on, you
11 know, it could be a hundred different
12 things. What type of lawsuit is it?
13 Is irrelevant to the lawsuit? But if
14 he was subpoenaed in the Corbin
15 matter, yeah, I think he would have to
16 testify as to what happened.

17 Q. And he wouldn't have been,
18 under those circumstances, fired or
19 disciplined any other way for
20 violating County confidentiality
21 policies.

22 ATTORNEY BURNS:

23 Objection, form

24 THE WITNESS:

25 I mean, I --- I --- I

1 wouldn't, if I was the legal advisor
2 to that, I wouldn't recommend firing
3 him in that situation. If he was
4 subpoenaed and asked questions about
5 what happened.

6 Q. Would you believe that it would
7 have been a violate --- under those
8 circumstances, giving testimony in a
9 deposition under oath, would you
10 believe that it would have violated
11 County policy? Because that's what
12 you concluded here. In that
13 situation, would you have concluded
14 the same thing?

15 A. No, because he would have been
16 responding to a subpoena, assuming the
17 litigation team didn't quash the
18 subpoena for whatever reason. But if
19 the subpoena is a good subpoena, then
20 yeah, I think he has to answer the
21 questions.

22 Q. Okay, so then you would agree
23 with me, the distinction between that
24 hypothetical and what actually
25 happened here is that in this

1 situation, he reached out to Attorney
2 Zeiger voluntarily without
3 authorization from anybody within the
4 County?

5 ATTORNEY BURNS:

6 Objection, form.

7 THE WITNESS:

8 Yeah, that's, yeah,
9 that's the difference.

10 BY ATTORNEY MANSOUR:
11

12 Q. And in this situation, that's
13 what makes the information
14 confidential.

15 ATTORNEY BURNS:

16 Objection, form.

17 THE WITNESS:

18 I mean, I think the
19 nature of the information is
20 confidential. The fact that he
21 didn't have authorization to
22 release it, right, is --- is part
23 of it as well. It's --- it's
24 almost two steps there, but it
25 doesn't, I wouldn't --- I wouldn't
26 say it loses its confidential

1 status when he's authorized to
2 release it. It's just like if it -
3 -- if came up again, the same
4 thing, he wouldn't be able to
5 release it unless he went through
6 the same process.

7 BY ATTORNEY MANSOUR:
8

9 Q. If you can turn to page 1115 of
10 Exhibit P-5.

11 A. Yep.

12 Q. Paragraph 22, you write there,
13 "By his own admissions, Lieutenant
14 Kimbrough is unable to grasp or
15 unwilling to admit that there is a
16 dramatic difference between the
17 director/County commissioner, publicly
18 expressing challenges related to
19 general jail staffing, and a DOC
20 employee providing case-specific
21 information to an attorney
22 representing a former inmate."

23 Why is --- what is the dramatic
24 difference ---

25 ATTORNEY BURNS:

26 Objection, form.

1 BY ATTORNEY MANSOUR:
2

3 Q. --- between those two
4 scenarios?

5 A. He was, this is the gravity
6 issue, right?

7 Q. Mm-hm.

8 A. So, the fact that we're talking
9 generally about staffing issues, the
10 director or the County commissioner is
11 at a public meeting, because when he
12 said, they've done that before, why
13 can't I do it? I think that's fine.
14 The issue becomes when you provide
15 specific details as far as tactics,
16 techniques.

17 Q. You didn't write that there
18 though.

19 Right?

20 What you wrote in your memo to
21 your superior ---

22 A. Yeah.

23 Q. --- was that there is a
24 difference between the Director of
25 County Commissioner publicly
26 expressing challenges related to

1 general jail staffing and a DOC
2 employee like my client providing
3 case-specific information to an
4 attorney representing a former inmate.

5 A. Yeah.

6 Q. Okay.

7 You didn't say, to a DOC
8 employee providing information about
9 techniques, tactics."

10 A. No.

11 Q. Case-specific information to an
12 attorney representing a former inmate.

13 Why is that fact important?

14 A. Because that's what the case
15 information was. It was tactics,
16 techniques, that's what we're talking
17 about here.

18 Q. Well, you said case-specific
19 information. Is that what you meant
20 by case-specific information?

21 A. What happened to the individual
22 who died, how he was processed, all
23 the drugs, you know, what happened in
24 the dirty cell. That's what --- that's
25 --- that's case specific information.

1 That's the information I'm speaking
2 about.

3 Q. Okay.

4 And, "to an attorney
5 representing a former inmate," why is
6 that important?

7 A. That's the --- that's what
8 happened here. That was the facts
9 that I was presented with.

10 Q. Okay.

11 So that was --- that was
12 important here. I mean, why didn't
13 you just end your sentence with DOC
14 employee providing case-specific
15 information, period?

16 A. I don't know. When I wrote
17 this in June, that was the facts that
18 were in front of me. That's who the
19 release occurred to, so that's what I
20 referenced.

21 Q. My client didn't disclose to
22 Attorney Zeiger how the drugs were
23 smuggled into the jail.

24 Did he?

25 A. I don't think so. I have to

1 look at the notes, but I don't --- I
2 don't remember that being the case.

3 Q. What role did you play, if any,
4 in the County's decision to discharge
5 my client?

6 A. I didn't play any, that I know
7 of. I wrote this memo and that was
8 the extent of it. And then I, I think
9 I got an email from you in July, maybe
10 it's saying you're representing him or
11 something. And that was the, that's
12 really the last --- the next thing
13 that I heard of after I submitted my
14 memo.

15 Q. Were you consulted at all,
16 after --- after submitting this memo,
17 were you consulted at all by anybody
18 in the County about whether my client
19 should be discharged?

20 A. No.

21 Q. Were you part of any
22 conversations with anybody within the
23 County regarding the County's decision
24 to discharge my client?

25 A. No.

1 Q. Were you asked to provide any
2 sort of legal opinion about the
3 legality of discharging my client?

4 A. No.

5 Q. Is there a reason you, and not
6 anybody else in the solicitor's
7 office, was asked to interview my
8 client and submit this memorandum? Do
9 you know why Ms. Fitzpatrick asked you
10 and not anybody else?

11 A. I'm the oldest? No, I don't --
12 - I don't know. I mean, I get asked
13 to do a lot of different things for
14 the County because I'm old and have a
15 lot of varied experiences.

16 Q. Because I know Shae Randolph,
17 she was a part of the fact-finding
18 meeting in July regarding this matter.

19 She and Ms. Smith held the fact-
20 finding meeting for my client before
21 he was discharged.

22 Are you aware of that?

23 A. I --- I don't know. I mean, I
24 don't --- I don't know if she --- I
25 wasn't involved with any of that.

1 Q. You know who Shae Randolph is?

2 A. Yeah, I do. I know she is. I
3 just, was I made aware of that at some
4 point? I don't know. I don't recall.

5 Q. She's an assistant County
6 solicitor.

7 A. She is, yep.

8 Q. And we had her deposition last
9 week or two weeks ago.

10 A. Okay.

11 Q. And is it true that she's
12 typically involved in human resources
13 investigations?

14 A. She, yeah, she assists. Yeah,
15 she assists HR with investigative ---
16 I don't know. She does some things at
17 the jail, I think, but I, yeah, I'm
18 not --- again, like, I'm a municipal
19 guy. I do dirt and taxes and things
20 like that, but ---

21 Q. But do you know why you were
22 asked to conduct and maybe you do,
23 maybe you don't, do you know why you
24 were asked to conduct this interview
25 but were not present for my client's

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1 fact-finding meeting on or about July
2 24th?

3 A. I --- I don't know. I mean, I
4 --- I'm older. This was a senior
5 person in the County, maybe. I --- I
6 don't know. I don't know why they
7 picked me. I wasn't involved in that
8 discussion.

9 So other than interviewing my client
10 on July, on June 12, 2024, and provide
11 --- drafting and writing this memo on
12 or about June 13, 2024 you had no
13 other involvement in the suspension or
14 discharge of my client?

15 A. No, no involvement at all.
16 Yeah.

17 Q. Okay.

18 I've got nothing further.

19 ATTORNEY BURNS:

20 Go off the record.

21 ---

22 (Whereupon, a discussion was held, off
23 the record.)

24 ---

25 DEPOSITION CONCLUDED AT 12:39 P.M.

1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF PHILADELPHIA)

3 CERTIFICATE

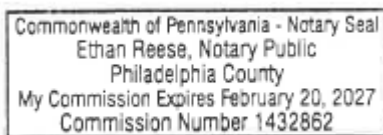
4 I, Ethan Reese, a Notary Public in and
5 for the Commonwealth of Pennsylvania, do
6 hereby certify:

7 That the witness, Daniel Grieser,
8 whose testimony appears in the foregoing
9 deposition, was duly sworn by me on April 1,
10 2025 and that the transcribed deposition of
11 said witness is a true record of the testimony
12 given by said witness;

13 That the proceeding is herein recorded
14 fully and accurately;

15 That I am neither attorney nor counsel
16 for, nor related to any of the parties to the
17 action in which these depositions were taken,
18 and further that I am not a relative of any
19 attorney or counsel employed by the parties
20 hereto, or financially interested in this
21 action.

22 Dated the 3 day of April, 2025



Ethan Reese

Ethan Reese,

Court Reporter